



## 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 6, 2019

The Planning Board met on Tuesday, August 6, 2019 at 7:30 p.m. in Room 9 of the Town Hall. The following members were present: Michael Sorrentino, Chair; Randi Holland; Terence Boland; and Sean Hennigan. Valerie Gingrich, Director of Planning & Conservation, and Sierra Pelletier, Assistant Planner were also present

#### Minutes

There were no minutes to review.

#### Form A

**287 Chestnut Street – Map 2 Parcel 21, “Plan of Land in Wilmington, Massachusetts, (Middlesex County)”, Charles E. Rooney, III, Applicant**

PRESENT IN INTEREST: Charles Rooney  
Tim Rooney

#### MATERIALS CONSIDERED:

PLANS “Plan of Land in Wilmington, Massachusetts (Middlesex County)”, dated June 27, 2019

C. Rooney told the Board that there were some changes to the plan required and LJR made the changes. He said the lots are conforming. He said they are looking for approval to subdivide the one lot into two. The new lot will be at the corner of Chestnut Street and Hillside Way. M. Sorrentino asked V. Gingrich if everything is good and she said yes.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #19-01 for 287 Chestnut Street – Map 2 Parcel 21, “Plan of Land in Wilmington, Massachusetts (Middlesex County)” dated June 27, 2019, Charles E. Rooney, III, Applicant

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #19-01 for 287 Chestnut Street – Map 2 Parcel 21, “Plan of Land in Wilmington, Massachusetts (Middlesex County)” dated June 27, 2019, Charles E. Rooney, III, Applicant

The Board endorsed the plan.

RECEIVED  
TOWN CLERK  
2019 SEP 18 AM 9:58  
TOWN OF WILMINGTON, MA

**24 Linda Road & 38 Marcia Road – Map 88 Parcels 29 & 6-26W, “Plot Plan of Land, Wilmington, MA”, Daniel H. & Susan C. Fogg, Applicants**

**MATERIALS CONSIDERED:**

PLANS "Plot Plan of Land in Wilmington, MA", dated March 5, 2019 and last revised May 29, 2019

V. Gingrich told the Board there are two different properties. One property is granting or selling a portion of their property to the abutting neighbor. She showed their lot line and said they have an above ground pool that goes over the lot line so Marcia Road is going to convey that portion to the Linda Road neighbor. Both will remain conforming.

Upon motion duly made and seconded it was

VOTED: To receive the ANR Plan and Application #19-02 for 24 Linda Road & 38 Marcia Road – Map 88 Parcels 29 & 6-26W, “Plot Plan of Land in Wilmington, MA” dated March 5, 2019 and last revised May 29, 2019, Daniel H. & Susan C. Fogg, Applicants

Upon motion duly made and seconded it was

VOTED: That approval under Subdivision Control is not required for ANR Plan and Application #19-02 for 24 Linda Road & 38 Marcia Road – Map 88 Parcels 29 & 6-26W, “Plot Plan of Land in Wilmington, MA” dated March 5, 2019 and last revised May 29, 2019, Daniel H. & Susan C. Fogg, Applicants

The Board endorsed the plan.

**Matters of Appointment**

**Public Hearing – Sign Special Permit #19-01 – 230 Lowell Street - Map 58 Parcel 30  
Barbara Bowman, Applicant**

PRESENT IN INTEREST: Barbara Bowman

**MATERIALS CONSIDERED:**

Sign Specification - sign reading “Fresh Start Laser Med Spa”

V. Gingrich asked the applicant to give the Board a description of her proposed sign. B. Bowman asked the Board if they were familiar with the building and said the sign is the same shape and dimensions of the other signs on the building. She said there are two spots that have not been utilize and she would like to use the spot on the second floor above the “Exotic Nails” sign. She said everyone on the first floor and all the large offices on the second floor all have signage.

V. Gingrich reviewed the draft decision with the Board and applicant.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for the Sign Special Permit #19-01 for 230 Lowell Street and shown on Assessor’s Map 58 Parcel 30.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Sign Special Permit #19-01 for one 16' x 2' (32 sq. ft.) wall sign reading "Fresh Start Laser Med Spa" above the first floor on the front of the multi-tenant building. The application was filed with the Planning Board on June 18, 2019. Said property is located at 230 Lowell Street and shown on Assessor's Map 58 Parcel 30.

The public hearing was opened and closed on August 6, 2019. 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 58 Parcel 30 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.
5. The proposed sign is of similar size and design as existing signs on the building and is therefore in harmony with the building's appearance.

#### **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 this proposed sign 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" a sign measuring 32 sq. ft. added to the front of a building that contains existing signage exceeding the 120 sq. ft. maximum.
7. Bylaw Exception: (Section 6.3.6.1.a) "Granted" a 16 ft. long sign above the first floor where 10 ft. is the maximum length.
8. 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.

**Continued Public Hearing - Site Plan Review #19-07 for 773 for Salem Street  
Map R1 Parcel 23 - Ryan Lynch, SmartLink LLC for AT&T, Applicant**

PRESENT IN INTEREST: Ryan Lynch, SmartLink, LLC  
Brenden Archer, Infinigy

**MATERIALS CONSIDERED:**

PLAN "Wilmington MA, Salem Street, MAL03079" dated August 30, 2018 and last revised November 1, 2018

NON-IONIZING RADIATION REPORT received July 30, 2019

STRUCTURAL ANALYSIS REPORT dated May 17, 2019

ENGINEERING MEMO dated July 9, 2019

LETTERS from Greg Thompson, K2 Towers II LLC undated, and Judith Shea, Shea Concrete, dated February 5, 2019

STRUCTURAL PEER REVIEW RESPONSE dated May 22, 2019

R. Lynch told the Board previously there were concerns on the structural integrity of the tower so they will address the concerns of the Town and residents and discuss the results of the Peer Review study. He said he will also address the residential safety concerns. M. Sorrentino asked if anyone in the audience was present for this project.

Resident, M. Ethier, 506 Salem Street, said her husband e-mailed a list of 8 concerns. She said they read the Infinigy report and still have concerns. She said the report says the level will remain below 5% of the FCC recommended maximum allowed levels and asked if that is a correct understanding. R. Lynch said yes. M. Ethier said the report is based on speculative data based on cellphone equipment. She asked if they have actually conducted site visits and tested what would be emitted or what is already being emitted. R. Lynch said the maximum exposure study surveys what the equipment could possibly emit based on the frequency it's providing. M. Ethier asked again if the equipment is actually tested. He said it is not malfunctioning because they would know from AT&T's RF Department if something is wrong. He said they have computers and teams looking for interference or something going wrong with the equipment. M. Ethier said it has never actually been tested and R. Lynch said not for this purpose. She asked if it will ever be tested on site and R. Lynch said he cannot say for sure. M. Ethier said she lives 300 yards from the tower and asked if anyone from Town or state who monitors or measures compliance for the safety levels being emitted from the tower. V. Gingrich said there is no monitoring from the Town. She said it is a federal regulation and as long as they meet the standards, it can be allowed. M. Sorrentino asked if all M. Ethier's questions were answered. R. Lynch said the report answered her questions.

B. Archer said the biggest thing with the structural report is the code change. He said half the comments are for code G and there is a big difference with wind speed and ice, so they will adjust them to code H. He said the comments are asking for code clarification. He went through a few to give examples of what needs clarification.

M. Sorrentino asked if what is there is structurally sound and B. Archer said yes. He said they would have to run a TIA inspection of the tower because they say like new condition. He said in order to change that wording they need a TIA inspection of the tower. M. Sorrentino asked him to explain what that would entail. B. Archer said a drone would go up and take pictures of all connections to make sure there are no structural deficiencies and all connections are sound. M. Sorrentino said he would like that testing done and B. Archer agreed to it.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #19-07 for 773 for Salem Street to September 30, 2019.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #19-07 for 773 for Salem Street to September 10, 2019 at 7:40 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing - Site Plan Review #19-05 & Stormwater Management Permit #19-04 for 100 Research Drive - Map R3 Parcel 401 – Michael J. Juliano, Eaglebrook Engineering & Survey, LLC, for Joseph Martignetti, Applicant**

PRESENT IN INTEREST: Michael Juliano, Eaglebrook Engineering & Survey, LLC  
John Paul Martignetti, Martignetti Real Estate

**MATERIALS CONSIDERED:**

PLANS "Proposed Permit Plan, 100 Research Drive, Located in Wilmington, Massachusetts" dated April 26, 2019 and last revised July 22, 2019  
NOTICE OF INTENT AND STORMWATER ANALYSIS & CALCULATIONS dated March 20, 2019,  
PROJECT NARRATIVE undated  
PARKING ANALYSIS FOR EXISTING COMMERCIAL BUILDING undated  
EXISTING BUILDING PARKING COMPLIANCE TABLE undated  
ELEVATIONS dated April 12, 2019  
TRAFFIC SUMMARY undated  
TRAFFIC ASSESSMENT dated July 2, 2019  
ZONING COMPLIANCE CHART undated  
HYDRAULIC ANALYSIS AND REPORT dated June 26, 2019  
FLOOR PLANS dated June 24, 2019  
REVIEW LETTERS dated May 31, 2019 and July 2, 2019  
ENGINEERING MEMOS dated June 3, 2019 and July 9, 2019  
LETTER from Michael J. Juliano dated June 24, 2019

M. Juliano said he received the draft decisions for Site Plan Review and Stormwater Management Permit. V. Gingrich said the traffic analysis identified some vegetation clearing which was added to the draft decision and all comments have been addressed. M. Juliano said the traffic analysis indicated three areas where there was some trimming required. Two areas are bushes and trees on the property and the third area is in the right-of-way of Ballardvale Street so they will coordinate with the Town. M. Juliano asked what should be recorded for Special Condition #5, and V. Gingrich said the O&M Plan should be recorded. J. P. Martignetti asked if it should be the applicant or entity of the property listed on the first page of the decision. S. Pelletier said it's appropriate to list the applicant. V. Gingrich said the decision states that the applicant requested it.

Upon motion duly made and seconded, it was

VOTED: To close the public hearing for Site Plan Review #19-05 and Stormwater Management Permit #19-04 for 100 Research Drive.

Upon motion duly made and seconded, it was

VOTED: To approve with conditions Site Plan Review #19-05 for 100 Research Drive as shown on plan entitled "Proposed Permit Site Plan, 100 Research Drive", Sheets 1 through 8, dated April 26, 2019 and last revised July 22, 2019, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located at 100 Research Drive, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 401.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on June 4, 2019 and closing on August 6, 2019, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Joseph Martignetti, Martignetti Real Estate, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the contemplated site plan development for property addressed at 100 Research Drive for the construction of a new 19,950 sq.ft. commercial/industrial building, with associated parking, landscaping, utilities and stormwater management, as shown on plan entitled "100 Research Drive located in Wilmington, Massachusetts", Sheets 1 through 8, dated April 26, 2019 and last revised July 22, 2019, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923, submitted on May 10, 2019, (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>
1.	May 10, 2019	Stormwater Analysis & Calculations, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated March 20, 2019 and last revised June 24, 2019.
2.	May 10, 2019	Traffic Summary, prepared by Eaglebrook Engineering & Survey, LLC.
3.	June 25, 2019	Response to Comments, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated June 25, 2019.
4.	June 25, 2019	Estimated Sanitary Sewerage Flow, prepared by Eaglebrook Engineering & Survey, LLC.

5. June 25, 2019 Existing Building Parking Compliance Table, prepared by Eaglebrook Engineering & Survey, LLC.
6. June 25, 2019 Zoning Compliance Table, prepared by Eaglebrook Engineering & Survey, LLC.
7. June 25, 2019 Concept Elevations, prepared by Martignetti Real Estate, dated April 12, 2019, and Concept Floor Plan, prepared by Martignetti Real Estate, dated June 24, 2019.
8. June 26, 2019 Hydraulic Analysis and Report, prepared by Michael Sanders, P.E., Kleinfelder, dated June 26, 2019.
9. July 8, 2019 Traffic Assessment, prepared by Jason R. Plourde, P.E., VHB, 2 Bedford Farms Drive, Suite 200, Bedford, NH 03110, dated July 2, 2019.
10. July 22, 2019 Concept Floor Plan, prepared by Martignetti Real Estate, dated July 22, 2019.
11. July 22, 2019 Response to Comments, prepared by prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated July 22, 2019.

#### **FINDINGS:**

1. The Project site is shown on Map R3 Parcel 401 on the Site Plan.
2. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
3. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
4. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.
5. The Project has been approved for commercial and industrial use. The Project provides the maximum number of parking spaces required for the proposed building.

#### **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 will not start before 7:00 a.m. and will be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment will not be started before 7:00 a.m.

**SPECIAL CONDITIONS:**

8. Any revisions to the proposed building elevations shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval.

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

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

**PRIOR TO 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 conference.
11. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
12. 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:**

13. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
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. Vegetation trimming shall be completed in accordance with the recommendations in the Traffic Assessment by VHB dated July 2, 2019. The Applicant shall notify the Town's Tree Warden prior to any vegetation trimming in the right-of-way.
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 Applicant shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Applicant shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
18. The Applicant 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 Applicant 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 Applicant 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 and located within the site shall be the Applicant's responsibility.
21. Snow in excess of the areas provided for snow storage on the Site Plan is to 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. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project and located within the site shall be the Owner's responsibility.
23. Final As-Built Plans in form(s) and format(s) acceptable to the Town Engineer shall be submitted to the Engineer and Director of Planning & Conservation.

#### **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 8, 2019

ISSUED for Property located at 100 Research Drive, Wilmington, Massachusetts (Map R3 Parcel 401)

Case No.: Stormwater Management Permit #19-04

Applicant: Joseph Martignetti, Martignetti Real Estate, 304 Cambridge Road, Suite 520,  
Woburn, MA 01801

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Proposed Permit Site Plan, 100 Research Drive", Sheets 1 through 8, dated April 26, 2019 and last revised July 22, 2019, prepared by Michael J. Juliano,

P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA 01923. Said property is located at 100 Research Drive, Wilmington, MA 01887 and shown on Assessor's Map R3 Parcel 401; material submitted on May 10, 2019, 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>
1.	May 10, 2019	Stormwater Analysis & Calculations, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated March 20, 2019 and last revised June 24, 2019.
3.	June 25, 2019	Response to Comments, prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated June 25, 2019.
3.	July 22, 2019	Response to Comments, prepared by prepared by Michael J. Juliano, P.L.S., P.E., Eaglebrook Engineering & Survey, LLC, dated July 22, 2019.

## **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. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.

2. Erosion controls 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.

**Continued Public Hearing - Site Plan Review #19-08 & Stormwater Management Permit #19-06 for 269 Ballardvale Street - Map R2 Parcel 27A - Brian Timm, RJ O'Connell & Associates for James Cavalieri, 16 Robin LLC, Applicant**

PRESENT IN INTEREST: Attorney Charles Houghton, Esq.  
James Cavalieri

**MATERIALS CONSIDERED:**

PLANS "269 Ballardvale Street-Wilmington, MA" dated June 5, 2019  
STORMWATER MANAGEMENT REPORT dated June 5, 2019  
FLOOR PLAN & ELEVATIONS dated April 20, 2019  
REVIEW LETTER dated July 2, 2019  
ENGINEERING MEMO dated July 9, 2019  
LETTER from Brian Timm dated June 5, 2019  
LETTER from Steven Eriksen dated May 23, 2019

Attorney C. Houghton told the Board they have not yet addressed all items in the Town Engineer's review letter but they are minor. He said other than that, they have provided everything. He said RJ O'Connell will have revised plans tomorrow and he was hoping the Board will consider closing the public hearing and issuing the decision subject to the Town Engineer's comments. V. Gingrich said there will be plan changes and C. Houghton said there will just be notes added to the plan. V. Gingrich said the applicant has to change the basin they are proposing so the revisions to the plan must be reviewed. C. Houghton asked if the Board will issue a decision based on the Town Engineer's review and approval. M. Sorrentino said they can't do that but they can approve and sign the plan at the next meeting. C. Houghton said it's a pre-fab building that will be delivered September 12<sup>th</sup> or 13<sup>th</sup>.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #19-08 & Stormwater Management Permit #19-06 for 269 Ballardvale Street to September 30, 2019.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #19-08 & Stormwater Management Permit #19-06 for 269 Ballardvale Street to September 10, 2019 at 7:45 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing – Site Plan Review #19-04 & Stormwater Management Permit #19-03 for 36 & 38 Upton Drive – Map R1 Parcels 18 & 18L – PGA Realty Co., Applicant**

PRESENT IN INTEREST: Todd P. Morey, Beals Associates, Inc.  
Matthew E. Costa, Beals Associates, Inc.  
Peter Crocker, PGA Realty

**MATERIALS CONSIDERED:**

PLAN "Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", dated April 1, 2019 and last revised June 13, 2019

PHASING PLANS undated

EXISTING CONDITIONS PLAN dated April 1, 2019 and last revised July 23, 2019

OPERATION & MAINTENANCE CONTROL PLANS dated April 1, 2019 and May 31, 2019

TRAFFIC IMPACT AND ACCESS STUDY dated September 14, 2018

FLOOR PLANS and ELEVATIONS dated March 27, 2019

TURNING ANALYSIS EMERGENCY ACCESS dated April 18, 2019 and June 13, 2019

EMERGENCY ACCESS – MAIN, LOOP ROAD NORTH – ENTER dated April 9, 2019

FIRE TRUCK COMPARISON undated

STORMWATER MANAGEMENT REPORT dated June 13, 2019 and last revised July 23, 2019

REVIEW LETTERS dated May 1, 2019 and July 2, 2019

ENGINEERING MEMOS dated May 1, 2019 and July 9, 2019

LETTERS from Matthew Costa dated April 4, 2019, April 18, 2019, and June 13, 2019

T. Morey said they responded to Engineering comments, submitted a revised plan and received more comments.

M. Sorrentino read engineering comments into the record.

T. Morey agreed to make changes. He said he wanted to discuss the roadway widening and present the options. He said he spoke with the Planning Director regarding the draft decision but they wanted to review Special Condition #8 for the Board's input.

T. Morey said on condition #8, talks about the phasing. He said the initial Site Plan Review approval is good for two years. He asked about the phasing and asked if they could get an extension from the Board. V. Gingrich said she added some suggested language to the decision that the applicant can come ask for an extension. V. Gingrich reviewed the decisions with the Board.

There was discussion about widening of the turn radius. V. Gingrich said the plans were changed to increase the radius and she pointed out a pinch point at Upton Drive for the truck entrance and she asked what the width is. T. Morey said 30' and he gave the other options of 33' and 37'. M. Sorrentino said the Board prefers the option that shows the widest turning area and moves the catch basin.

Upon motion duly made and seconded, it was

VOTED: To close the public hearing for Site Plan Review #19-04 and Stormwater Management Permit #19-03 for 36 & 38 Upton Drive.

Upon motion duly made and seconded, it was

VOTED: To approve with conditions Site Plan Review #19-04 for 36 & 38 Upton Drive as shown on plan entitled "Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", Sheets 1 through 53, dated April 1, 2019 and last revised July 23, 2019, prepared by Todd P. Morey, P.E., Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116. Said property is located at 36 & 38 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcels 18 & 18L.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on May 7, 2019 and closing on August 6, 2019, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by Peter Crocker, PGA Realty Company, under the provisions of Section 6.5 of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the contemplated site plan development for property addressed at 36 & 38 Upton Drive for the construction of four warehouse buildings, total footprint of 256,640 sq.ft., with associated parking, loading areas, utilities and stormwater management, as shown on plan entitled "Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", Sheets 1 through 53, dated April 1, 2019 and last revised July 23, 2019, prepared by Todd P. Morey, P.E., Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, submitted on April 4, 2019, (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>
1.	April 4, 2019	Elevations and Floor Plans, Sheets 1 through 11, prepared by Maugel Architects, dated March 27, 2019.
2.	April 4, 2019	Stormwater Management Report, prepared by Beals Associates, Inc., dated April 1, 2019 and last revised June 13, 2019.
3.	April 4, 2019	Operation and Maintenance Control Plan, prepared by Beals Associates, Inc., dated April 1, 2019.
4.	April 4, 2019	Cover Letter, prepared by Matthew E. Costa, Beals Associates, Inc., dated April 4, 2019.
5.	April 4, 2019	Site Plan Review application package, prepared by Matthew E. Costa, Beals Associates, Inc., dated April, 2019.
6.	April 18, 2019	Cover Letter, prepared by Matthew E. Costa, Beals Associates, Inc., dated April 18, 2019.
7.	April 18, 2019	Turning Analysis and Emergency Access, Sheets 1 through 20, prepared by Beals Associates, Inc., dated April 9, 2019.

8. May 14, 2019 Traffic Impact and Access Study, prepared by Rebecca L. Brown, P.E., P.T.O.E., and Douglas S. Halpert, P.E., Greenman-Pedersen, Inc., dated September 14, 2018.
9. June 13, 2019 Elevations and Floor Plans, Sheets 1 through 16, prepared by Mangel Architects, dated March 27, 2019.
10. June 14, 2019 Response to Engineering Division Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated June 13, 2019.
11. June 14, 2019 Subsurface Exploration on December 20, 2018, prepared by Beals Associates, Inc., dated December 26, 2018.
12. June 14, 2019 Form 11 – Soil Suitability Assessment for On-Site Sewage Disposal, prepared by Christian O. Smith, P.E., dated October 2005.
13. June 14, 2019 Report of Preliminary Subsurface Investigation and Foundation Recommendations, prepared by Paul Ayres and Richard Pizzi, P.E., Geotechnical Consultants, Inc., dated January 21, 2005.
14. June 14, 2019 Report of Preliminary Subsurface Investigation and Foundation Recommendations, prepared by Daniel Kenneally, P.E., and Richard Pizzi, P.E., Geotechnical Consultants, Inc., dated January 10, 2019.
15. June 14, 2019 Wetland Area Approximate Limits, prepared by Beals Associates, Inc., dated June 13, 2019.
16. June 14, 2019 Stormwater Basin Embankment Detail, prepared by Beals Associates, Inc., dated June 13, 2019.
17. June 14, 2019 Response to Planning and Conservation Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated June 13, 2019.
18. June 14, 2019 Phasing Plan, prepared by Beals Associates, Inc., dated June 13, 2019.
19. June 14, 2019 Zoning Data Tables – Per Building, prepared by Beals Associates, Inc., dated June 13, 2019.
20. June 14, 2019 Turning Analysis, Upton Drive and Jonspin Road, prepared by Beals Associates, Inc., dated May 23, 2019.
21. June 14, 2019 Fire Truck Comparison, prepared by Beals Associates, Inc.
22. June 14, 2019 Operation and Maintenance Control Plan, prepared by Beals Associates, Inc., dated May 31, 2019.

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|-----|----------------|--|
| 23. | June 26, 2019  | Traffic Engineering Peer Review, prepared by Elizabeth Oltman, TEC, Inc., dated June 26, 2019.                             |
| 24. | July 23, 2019  | Response to Comments from TEC, Inc., prepared by Rebecca Brown, Greenman-Pedersen, Inc., dated July 22, 2019.              |
| 25. | July 23, 2019  | Phasing Plan, prepared by Beals Associates, Inc.   |
| 26. | July 23, 2019  | Turning Analysis, Figures 1.0 through 3.0, prepared by Beals Associates, Inc., dated July 19, 2019.                        |
| 27. | July 23, 2019  | Turning Analysis, Emergency Access and WB-67 Loading, prepared by Beals Associates, Inc., dated July 23, 2019.             |
| 28. | July 23, 2019  | Response to Planning and Conservation Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated July 23, 2019. |
| 29. | July 23, 2019  | Response to Engineering Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated July 23, 2019.               |
| 30. | July 23, 2019  | Postdevelopment HydroCAD Models, prepared by Beals Associates, Inc., dated July 23, 2019.                                  |
| 31. | July 23, 2019  | Stormwater Test Pit Results, prepared by Todd P. Morey, Beals Associates, Inc., dated July 22, 2019.                       |
| 32. | August 2, 2019 | Traffic Engineering Peer Review #2, prepared by Elizabeth Oltman, TEC, Inc., dated August 2, 2019.                         |

**FINDINGS:**

1. The Project site is shown on Map R1 Parcels 18 & 18L 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.

## SPECIAL CONDITIONS:

8. The Project is proposed to be constructed in phases, each building and its associated site improvements being a phase. Each phase shall be constructed to include site components as shown on the phasing plans SKPH 1.1, 1.2, 2.1, 2.2, 3.1, 3.2 along with associated landscaping and lighting. The initial phase shall commence construction within two years of approval as stated in Condition #3 above. Each subsequent phase shall begin substantial construction within one year of commencement of the previous phase, or the approval shall lapse. Prior to lapse of approval, the Applicant may submit a request for an extension to the Planning Board for consideration.
9. Within six months following occupancy of each phase, traffic counts at the site driveways, intersection of Jonspin Road and Andover Street, and intersection of Upton Drive and Andover Street shall be provided to the Department of Planning & Conservation to confirm actual traffic counts generated by the site.
10. Building footprints may be reduced in size without requiring further review from the Board as long as the change in footprint does not substantially impact other site plan components. Any revisions shall be submitted to the Director of Planning & Conservation for review and a determination of whether impacts are substantial.
11. Stormwater infiltration chambers may differ from the plan specification provided that the change is approved by the Town Engineer and the Director of Planning & Conservation prior to installation.
12. The Applicant shall notify the Engineering Division in writing prior to removal of any earth material from the site and provide an estimated quantity. An Earth Removal Permit is required if the total earth removal from the site, regardless of phasing, exceeds 450 CY.
13. The Applicant has agreed to provide the following at the intersection of Andover Street and Upton Drive:
  - a. Install "DO NOT BLOCK INTERSECTION" signage (R10-7) for Andover Street southbound with corresponding pavement markings at the intersection with Upton Drive.
  - b. Relocate the proposed Upton Drive STOP bar and signage (R1-1).



- c Remove approximately twelve feet of the existing landscaped median and replace with a thirteen-foot scored concrete island to improve turning access to/from Upton Drive for heavy vehicles while maintaining adequate separation for passenger vehicles.
- 14. The Applicant has agreed to direct trucks under their control to use Jonspin Road as an alternative route to Upton Drive during weekday morning and evening peak commuter hours.

**PRIOR TO ENDORSEMENT OF THE PLAN:**

- 15. The plans shall be revised to include vertical granite curb between the truck entrance to the site and the truck entrance to Building D.
- 16. A turning exhibit and sight line analysis shall be submitted for the proposed improvements to the curve in Upton Drive (shown as Inset A on Sheet C2.0).
- 17. The plans shall be revised to ensure the easterly curb radius for Building D (from Upton Drive) does not extend beyond a line projecting from the property corner, perpendicular to the roadway.
- 18. The plans shall be revised to show the widening of Upton Drive in the vicinity of the truck entrance to the site (on the north side of Upton from the 50' wetland setback to the cul-de-sac right of way).

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

- 19. The Wilmington Fire Department shall review and approve all building plans.
- 20. Parcels 18 and 18L shall be combined to be one lot.

**PRIOR TO START OF CONSTRUCTION:**

- 21. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer for each phase. The developer shall submit a construction schedule at the time of the pre-construction conference.
- 22. A Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
- 23. 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:**

- 24. Prior to the issuance of the first Certificate of Occupancy, all off-site traffic mitigation measures and roadway improvements shall be completed. This includes vegetation trimming for adequate sight lines, improvement to the intersection of Andover Street and Upton Drive, improvements to Upton Drive, and Andover Street/Rte.125 signal retiming coordination with MassDOT.
- 25. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
- 26. 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.
- 27. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy for each phase. 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:**

28. 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.
29. 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.
30. 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.
31. 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.
32. The Owner has agreed that herbicides and pesticides shall not be used on the site.
33. The Owner shall conduct necessary vegetation trimming to maintain required sight lines.
34. Snow storage areas shown on the approved plans are for temporary snow storage immediately following a snow event. Snow shall be removed from the site in a timely manner following a snow event to ensure adequate parking and circulation.
35. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
36. 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.

#### **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 8, 2019

ISSUED for Property located at 36 & 38 Upton Drive, Wilmington, Massachusetts (Map 44  
Parcels 18 & 18L)

Case No.: Stormwater Management Permit #19-03

Applicant: Peter Crocker, PGA Realty Company, 565 Turnpike Road, Suite 80, North  
Andover, MA 01845

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Upton Park, 36 & 38 Upton Drive, Wilmington, Massachusetts", Sheets 1 through 53, dated April 1, 2019 and last revised July 23, 2019, prepared by Todd P. Morey, P.E., Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116. Said

property is located at 36 & 38 Upton Drive, Wilmington, MA 01887 and shown on Assessor's Map R1 Parcels 18 & 18L; material submitted on April 4, 2019, 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>
1. April 4, 2019	Stormwater Management Report, prepared by Beals Associates, Inc., dated April 1, 2019 and last revised June 13, 2019.
2. April 4, 2019	Operation and Maintenance Control Plan, prepared by Beals Associates, Inc., dated April 1, 2019.
3. June 14, 2019	Response to Engineering Division Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated June 13, 2019.
4. June 14, 2019	Response to Planning and Conservation Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated June 13, 2019.
5. June 14, 2019	Stormwater Basin Embankment Detail, prepared by Beals Associates, Inc., dated June 13, 2019.
6. June 14, 2019	Operation and Maintenance Control Plan, prepared by Beals Associates, Inc., dated May 31, 2019.
7. July 23, 2019	Response to Planning and Conservation Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated July 23, 2019.
8. July 23, 2019	Response to Engineering Comments, prepared by Matthew E. Costa, Beals Associates, Inc., dated July 23, 2019.
9. July 23, 2019	Postdevelopment HydroCAD Models, prepared by Beals Associates, Inc., dated July 23, 2019.
10. July 23, 2019	Stormwater Test Pit Results, prepared by Todd P. Morey, Beals Associates, Inc., dated July 22, 2019.

## **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. A Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
2. Erosion controls shall be inspected by the Department of Planning & Conservation at least 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.

**Continued Public Hearing - Site Plan Review #19-06 & Stormwater Management Permit #19-05 for 613 Main Street & Parking Special Permit #19-01 - Map 29 Parcel 11A  
Brian McCarthy, RJ O'Connell & Associates for Bryan Blake, The Seyon Group,  
Applicant**

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

#### **MATERIALS CONSIDERED:**

PLAN "Site Plan for Redevelopment of 613 Main Street, Wilmington, MA"  
dated April 15, 2019

STORMWATER REPORT dated April 15, 2019

TRAFFIC IMPACT AND ACCESS STUDY dated March 29, 2018

REVIEW LETTER dated May 1, 2019

ENGINEERING MEMO dated May 1, 2019

TRANSMITTAL SHEET from Brian McCarthy dated May 9, 2019

Upon motion duly made and seconded, it was

VOTED: To extend the action deadline for Site Plan Review #19-06 & Stormwater Management Permit #19-05 & Parking Special Permit #19-01 for 613 Main Street to September 30, 2019.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Site Plan Review #19-06, Stormwater Management Permit #19-05 and Parking Special Permit #19-01 for 613 Main Street to September 10, 2019 at 8:00 p.m. in Room 9 of the Town Hall.

**Public Hearing - Site Plan Review #19-10 & Stormwater Management Permit #19-07  
44 Concord Street - Map 91 Parcel 119A – Tyler Murphy for Rhino Capital LLC, Applicant**

PRESENT IN INTEREST: Fred Russell  
Tyler Murphy, Rhino Capital, LLC

**MATERIALS CONSIDERED:**

PLAN "Site Plan, 44 Concord Street in Wilmington, Massachusetts" dated July 6, 2019 and last revised July 30, 2019  
DRAINAGE ANALYSIS dated July 6, 2019  
PROJECT NARRATIVE dated June 12, 2019  
PARKING REQUIREMENTS PLAN ASTM PHASE II dated April 18, 2019  
STORMWATER OPERATION & MAINTENANCE PLAN undated and last revised July 30, 2019  
ENGINEERING MEMO dated August 6, 2019  
REVIEW LETTER dated July 25, 2019  
RESPONSE TO REVIEW LETTER received August 2, 2019

F. Russell told the Board they are changing a use in the building and there is one exterior change. They are increasing the width of a garage door from 8' to 10' and there are some improvements to the parking lot. They are restriping the parking lot to create 40 spaces and as part of the Engineering review, they agreed to install three leaching catch basins because there is currently no drainage in the parking lot.

V. Gingrich said a revised plan was received but has not yet been reviewed. T. Murphy said they provided answers to the memorandum as well. T. Murphy said the Board of Health Agent asked if the septic is adequate. V. Gingrich asked about the landscaping requirements and asked if it was revised on the plan. F. Russell said they reduced the parking since they only needed 40 spaces. He said there will not be 40 people at the facility so they have sufficient parking.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Site Plan Review #19-10 & Stormwater Management Permit #19-07 for 44 Concord Street to September 10, 2019 at 8:15 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing - Site Plan Review #18-15, Stormwater Management Permit #18-13 and Multi-Family Special Permit #18-01 for 635 Main Street – Map 40 Parcel 1  
Massachusetts Equity Investors, LLC, Applicant**

PRESENT IN INTEREST: Jon Tilton, Williams & Sparages  
Brian Corrigan, Esq.  
Shaun Kelly, Vanasse & Associates  
Jaqueline Welch

MATERIALS CONSIDERED:

PLAN "635 Main Street, Wilmington, MA" dated October 18, 2018, December 21, 2018 and June 25, 2019  
ELEVATIONS "Wilmington Town Houses, 635 Main Street, Wilmington, MA" dated September 17, 2018  
TRANSPORTATION IMPACT ASSESSMENT dated February 2019  
SEWER ANALYSIS dated May 17, 2019  
PHASE I INITIAL SITE INVESTIGATION dated January 21, 2016  
ASTM PHASE II dated April 18, 2019  
STORMWATER REPORT dated October 23, 2018 and last revised December 17, 2018  
COMPARATIVE DRAINAGE ANALYSIS dated October 16, 2018  
ENGINEERING MEMOS dated November 13, 2018, April 2, 2019, May 7, 2019 and July 9, 2019  
REVIEW LETTERS dated November 1, 2018, May 1, 2019 and July 7, 2019  
LETTERS from Geological Field Services Inc. dated January 21, 2016 and July 18, 2018  
LETTERS from Jon Tilton dated November 27, 2018, January 2, 2019, January 25, 2019, February 25, 2019, April 24, 2019, and June 24, 2019

Attorney B. Corrigan told the Board he is representing the applicant. He said he is trying to determine what the Board's primary concerns are with the project so that they can be addressed prior to the next Planning Board meeting. He said they received the traffic study peer review comments and are ready to address them concerning parking and traffic. B. Corrigan asked if the Board would prefer two separate access points to the site to improve traffic flow. M. Sorrentino said the Board would like two separate access points and a unit on the end of the townhouse building removed because the site is too tight. B. Corrigan said there is an issue with MassDOT oversight. He said MassDOT may not prefer to have two separate curb cuts that close. R. Holland pointed out they have it across the street. M. Sorrentino said the Board would like a space between the neighbor and the driveway. B. Corrigan said they would bring the northern wall more to the south and that is doable and may address concerns raised. R. Holland asked if the townhouses will be for sale and B. Corrigan answered yes. She said instead of having two units on the end, they could have a unit and a half, a larger unit as opposed to a 2-bedroom, three stories high. B. Corrigan said the applicant can scale the project back; if the Board wants the separate access point, the engineering plan will center around that. J. Tilton said MassDOT is looking for one entrance. M. Sorrentino said have MassDOT put it in writing. V. Gingrich said the peer reviewer is actually the engineer for the Rte. 38 project and designing that for MassDOT.

S. Kelly said with most of the jobs MassDOT works on, their primary focus is consolidation, not expansion. He said there are 13 trips in the morning and 10 in the evening so it's tough to tell DOT two driveways are needed. M. Sorrentino said to have MassDOT tell the Board that and the Board will let MassDOT know why they want two curb cuts. J. Tilton said Metro is 3-times the size of this project with one in and out and Avalon Bay also has one in-and-out. M. Sorrentino insisted the project have two ways in and out.

B. Corrigan said if the site is reconfigured to have two ways in and out, that alleviates some other concerns. He said it creates some additional parking in the lot between the larger apartment building and the townhouses because the turning point on the end is no longer

needed. B. Corrigan asked if the Board agrees that if the concession is made, and the front building is reduced and the additional access created, would take the applicant to a point that they are in the ballpark for approval. He asked the Board if they had any other safety concerns, aesthetic concerns, or environmental concerns. M. Sorrentino said he did not believe the Board had any environmental concerns. He said the Board had aesthetic concerns. B. Corrigan said the next plan will probably eliminate the decks that face Main Street. He said they plan on a better design that incorporates a balcony but the outdoor access point will be a ground level patio and not an elevated deck. B. Corrigan said the applicant recognizes that is an aesthetic eyesore. M. Sorrentino said the Board has not seen a plan in a while. He asked if there are other comments that need to be reviewed for traffic and J. Tilton said he agrees with most of them but for number 2, they did provide pedestrian access. He said on question 4, he will provide more information as requested. He said for number 5 they agree to better snow storage and he will speak with the architect about adding bike storage to the inside of the garage. V. Gingrich asked about the template used for the turning radius. J. Tilton said they could use the template for a larger vehicle but the radius is still the same. V. Gingrich asked if there is a reason why the two-way entrance to the garage can only be 18' wide and J. Tilton said the architect said that is standard design. J. Tilton said he will have the architect address the garage door size. V. Gingrich asked that elevations for the three-story building be provided and J. Tilton agreed. M. Sorrentino asked what the Board can expect to see for next month's meeting and B. Corrigan said the Board can expect a complete package. M. Sorrentino asked about stormwater and J. Tilton said they did some testing and soil logs. M. Sorrentino said it is hard to review something if the Board has nothing to review and the Board cannot move the project forward without seeing all the pieces. He said the Town Engineer is very thorough. B. Corrigan said the access area has been a gray area and once that is finalized, everything should fall into place. He said the Board will have a complete package to review for the next meeting.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #18-15 and Stormwater Management Permit #18-13 to September 30, 2019.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #18-15, Stormwater Management Permit #18-13, and Multi-Family Special Permit #18-01 for 635 Main Street to September 10, 2019 at 8:30 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing - Site Plan Review #18-16, Stormwater Management Permit #18-14 and Multi-Family Special Permit #18-02 for 203 Lowell Street – Map 48 Parcel 73 Massachusetts Equity Investors, LLC, Applicant**

PRESENT IN INTEREST: Doug Lees, Land Engineering  
Jaqueline Welch, Massachusetts Equity Investors, LLC  
Shaun Kelly, Vanasse & Associates

**MATERIALS CONSIDERED:**

PLANS "Site Development Plan, 203 Lowell Street, Wilmington, Massachusetts" dated October 18, 2018 and last revised July 22, 2019 and "Planting Plan in Wilmington, Massachusetts" dated April 18, 2019

SITE PLAN APPLICATION NARRATIVE undated

SEWER FLOW ANALYSIS dated March 18, 2019  
SNOW REMOVAL PLAN dated March 18, 2019  
ARCHITECTURAL PLAN dated April 23, 2019  
STORMWATER MANAGEMENT & EROSION CONTROL PLAN dated October 18, 2018  
and last revised July 22, 2019  
TRANSPORTATION IMPACT ASSESSMENT dated May 2019  
TEST PIT LOG dated April 16, 2019  
PHASE I – ENVIRONMENTAL SITE ASSESSMENT dated June 18, 2019  
EARTHWORK VOLUME CALCULATIONS dated July 22, 2019  
REVIEW LETTERS dated November 7, 2018 and May 1, 2019  
ENGINEERING MEMOS dated November 13, 2018, April 2, 2019 and May 7, 2019  
E-MAIL from Jamie Magaldi dated March 22, 2019  
LETTERS from Doug Lees dated January 3, 2018, April 23, 2019 and July 22, 2019  
LETTERS from Jacqueline Welch dated November 28, 2018, January 28, 2019, February  
26, 2019, March 18, 2019, and May 30, 2019

D. Lees said they have been before the Board a couple times for this project. The plans he submitted a couple weeks ago addressed the Engineering comments. V. Gingrich pointed out that the comments he is referring to are the previous comments. The applicant did not submit the revised plans in time to review for this meeting. M. Sorrentino said traffic will be discussed at the hearing tonight. Traffic Engineer, S. Kelly, said the project is located on the south side of Lowell Street, maintained state highway under the jurisdiction of MassDOT. The site is located at the intersection of Lowell and Woburn Street. Access to the site is on both Lowell and Woburn Street. The traffic study was done in accordance with industry guidelines. S. Kelly said he looked at four locations starting at Main Street/Rte. 38 intersection to Cross Street then Lowell and Woburn Street signalized intersection. He said he looked at morning and evening traffic conditions and Saturday when volumes are highest. S. Kelly said he took into account growth and he looked at the approved projects in the area. He also looked at street and intersection improvement projects, including the reconstruction of Lowell and Woburn Street. He said this project does 140 – 150 peak hour trips. That's about 75 in and 75 out, about a little more than one car a minute. The Cross Street intersection is unsignalized and there are some safety issues. At the intersection of Woburn and Lowell Street, there are improvements and they agree to some short-term safety measures. He said West Street has some safety and operation issues and they will conduct a road safety audit. He said most of the comments for the Town's peer reviewer are minor in nature.

E. Oltman said TEC reviewed the traffic study. She got a response to comments this morning. She said they addressed the traffic study but there are some things on the Site Plan that they said would be implemented but have not been. E. Oltman said she asked for truck turning templates and they have not been provided. D. Lees said his internet was down. He said he will be revising the plan. D. Lees said the changes to the plan are adding bicycle racks and a curbed island and relocating two dumpsters.

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #18-16 and Stormwater Management Permit #18-14 to September 30, 2019.

Upon motion duly made and seconded, it was unanimously



VOTED: To continue the public hearing for Site Plan Review #18-16, Stormwater Management Permit #18-14, and Multi-Family Special Permit #18-02 for 203 Lowell Street to September 10, 2019 at 8:50 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing – Preliminary Subdivision #19-01 for 203 Lowell Street Map 48 Parcel 73 – Doug Lees for Michael A. Howland, Howland Development, Applicant**

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

**MATERIALS CONSIDERED:**

PLANS "Preliminary Plan in Wilmington, Massachusetts" dated April 23, 2019

ENGINEERING MEMO dated June 3, 2019

LETTER from Doug Lees dated April 30, 2019

REVIEW LETTER dated May 31, 2019

Upon motion duly made and seconded, it was

VOTED: To extend the action deadline for Preliminary Subdivision #19-01 for 203 Lowell Street to September 30, 2019.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Preliminary Subdivision #19-01 for 203 Lowell Street to September 10, 2019 at 9:00 p.m. in Room 9 of the Town Hall.

**Continued Public Hearing – Conservation Subdivision Design Special Permit #19-01 for 79 Nichols Street – Map 35 Parcel 29, Attorney Jill Elmstrom Mann for Golden Realty Trust, Applicant**

PRESENT IN INTEREST: Jill Elmstrom Mann, Mann & Mann, P.C.  
Erik Swanson, Design Consultants Inc.

**MATERIALS CONSIDERED:**

PLANS "Conservation Subdivision Design, Nichols Street Condominium, Wilmington, Massachusetts" dated December 24, 2018 & "Yield Plan (CSD)" dated November 9, 2018 and last revised June 27, 2019

STORMWATER ANALYSIS dated January 17, 2019

DRAINAGE MODEL May 22, 2019

MEMO from Jill Elmstrom Mann dated July 1, 2019

REVIEW LETTER dated March 28, 2019

ENGINEERING MEMO dated April 2, 2019

LETTER from Jill Elmstrom Mann dated February 27, 2019

LETTERS from Erik Swanson dated February 26, 2019 and July 9, 2019

J. Mann said they were before the Board one time and have been working with Engineering relative to the yield plan. She said she has an alternate route for sewer and does not have to use the Town land to connect to sewer. She said the purpose of using Town property for the connection is to minimize the impact. J. Mann said she needs to talk to Town Council about it. She reviewed the April 2, 2019 Engineering memo. She said she does not believe there are any outstanding issues. J. Mann said on comment # 8, on the Yield Plan they provide lot information on the charts so there is not confusion. She said she will address these with the

Town Engineer. She said the lot circles are provided for every lot and touch the roadway. She said each proposed building is located in the setback envelope and there is a legend on the plan and it meets the zoning setbacks. R. Holland said the identification for each lot is not 100% clear. J. Mann said the labels are hard to see. J. Mann said there is an issue of the wetland area and the existence of retaining walls between the 15' and 25' buffer and she understands that she needs to stay out of that area and that is with respect to #5. She said there is a policy but the Town does not have a wetland bylaw. She said they can move the retaining walls if the Conservation Commission says they must. She said she is not sure what the Board is looking for as far as the Yield Plan. R. Holland said for a Conservation Subdivision Design, the Yield Plan determines the number of buildable lots. J. Mann said Wilmington's standards for a Yield Plan are not the norm. M. Sorrentino said the Board does not want to see 900 linear feet of retaining wall. J. Mann said that is not a subdivision requirement. J. Mann argued the fact that the applicant can build the project as proposed because there is nothing in the Subdivision Rules and Regulations that says you cannot. M. Sorrentino asked if in order to get the Yield Plan, they would have to build a 900' retaining wall and J. Mann said yes. M. Sorrentino said if the applicant is to do that, they would need approval for the Conservation Commission. J. Mann said if the Conservation Commission does not approve the project, she will get a superseding Order of Conditions. J. Mann said there are issues that have been brought up by the Town Engineer and she is asking what the Board is looking for based on the comments they received. V. Gingrich suggested going over the other comments and J. Mann said they meet all the other setbacks and she does not know why there was the illusion the setbacks are not being met. J. Mann explained the setbacks. M. Sorrentino asked V. Gingrich if the Yield Plan has to do with the zoning and has to show how many houses they can build within the current zoning. V. Gingrich said yes, not only zoning but the Bylaw outlines zoning, health, and environmental regulations, dimensional requirements, maximum impervious surface, property line setbacks, wetland setbacks, etc. M. Sorrentino said on the first comment, the Town Engineer is saying the stormwater management design does not meet DPW standards. E. Swanson said The Town Engineer would prefer to see a drainage system for each house but this project cannot meet that with the constraints but he said they have satisfied the requirement. M. Sorrentino said the Yield Plan needs to be designed as if you are building the subdivision. R. Holland explained that once the street is accepted, it is under the Town's jurisdiction. The Town does not maintain individual house lot drainage systems. E. Swanson asked what is the expectation of the technical aspect of the design for the Yield Plan. M. Sorrentino said it's to meet the requirements as if the applicant is doing a conventional subdivision. R. Holland said it's the difference between 5 buildable lots versus 4 buildable lots. J. Mann said it does comply with the Stormwater Management Regulations but it's a matter of if the Town's DPW will accept it. M. Sorrentino said it's clear that if it were acceptable, it would be approved. R. Holland explained the process of street acceptance. M. Sorrentino asked if the stormwater requirements cannot be met. E. Swanson asked if they have to show that for an acceptable yield plan. J. Mann said what she is hearing is that the Town's DPW has to accept the yield plan. M. Sorrentino said he does not see what is not clear. The Board is looking for a yield plan that show you can develop the property based on current zoning. E. Swanson said the second comment might make sense to address some of the issues sequentially. He said once zoning and wetlands issues are resolved, they can focus on setbacks. E. Swanson said with number 3, the infiltration chamber the Town Engineer is referring to is on lot 1 on the left as you enter the proposed roadway. The minimum setback for the infiltration system is 10'. Number 4 refers to the infiltration system on lot 5, where the setback to the wetland is flagged at 37'. He said the system is an underground chamber system. He said if the Board would like it to be 50', that can be accomplished. M. Sorrentino said it should be 50'. E. Swanson said with number 6, he is not sure what they should do to show septic systems can fit on the

lots. J. Mann said she thinks the question is that they meet all the Title 5 setbacks and E. Swanson said yes. V. Gingrich asked how far away is the septic for lot 3 from the proposed dwelling and E. Swanson said it's shown at 2' but with a slight change he can meet the requirement. V. Gingrich said the Town wants the applicant to meet all required setbacks. J. Mann told E. Swanson that the Board needs to hear that all other systems are compliant with setbacks and E. Swanson said they are. V. Gingrich advised the applicant to revisit all the setbacks. She said the Town Engineer is more than happy to meet with the applicant. E. Swanson said with respect to number 7, it's not a problem to move the culverts but he is not sure how that effects the Yield Plan. J. Mann said they will speak with the Town Engineer to create a plan that meets the Board's requirements.

Resident, R. Smith, 12 Jaques Lane, asked if she can take a picture of the plan and if the Conservation Plan is on Town sewer and the Yield Plan is on septic. M. Sorrentino said as long as they meet Title 5, it can be approved. J. Mann said she will give them the plan so they won't have to take a picture. Resident, C. Dagli, 12 Jaques Lane, asked what is the purpose of a Yield Plan versus a Conservation Plan. V. Gingrich said the Yield Plan shows how many lots can fit on that property. She said you design a conventional subdivision that can meet all the requirements to show how many units you can get then you turn it into your Conservation Plan.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Conservation Subdivision Design #19-01 for 79 Nichols Street to September 10, 2019 at 9:15 pm.

**Public Hearing - Site Plan Review #19-11 & Stormwater Management Permit #19-08 for 225 Andover Street – Map R1 Parcel 108 - Timothy J. MacDonald for American Maplewood Properties, LLC, Applicant**

PRESENT IN INTEREST: Attorney Robert G. Peterson  
Timothy J. MacDonald, American Maplewood Properties, LLC

**MATERIALS CONSIDERED:**

PLANS "Proposed Site Development, 225 Andover Street, Wilmington, MA 01887" dated March 4, 2019 and last revised May 24, 2019

FLOOR PLANS & ELEVATIONS dated June 6, 2019

STORMWATER REPORT dated May 23, 2019

REVIEW LETTER dated July 25, 2019

ENGINEERING MEMO dated August 5, 2019

LETTER from Attorney Robert G. Peterson dated July 11, 2019

Attorney R. Peterson told the Board they are proposing a contractor's yard, which is a craft and trade shop. It's a redevelopment of an existing parcel. He said he has the Engineering memo and a review letter from the Planning Department. Attorney R. Peterson said he discussed this plan with V. Gingrich and P. Alunni and they provided some suggestions. The building is 29,000 SF with 15 contractor units. He said V. Gingrich commented on the size of the development so they will relook at that. Attorney R. Peterson said the comments are extensive. He said the comments can be addressed. M. Sorrentino asked if the plan will be revised and Attorney Peterson said yes. Attorney R. Peterson asked how the Board would describe a contractor yard or craft/trade shop because he thinks considering the parking spots required for the latter type of use is absurd. He asked the Board how they quantify a contractor's yard. V. Gingrich said

the Building Inspector makes the determination. She said a contractor's yard would include an outside component, such as storage of materials. She pointed out another proposal that was approved by the Board earlier during the meeting. She said if the applicant can show the parking is not necessary, you can request a Parking Special Permit. R. Peterson said they may change the use as to what fits best. R. Holland said the architecture is boring and asked for skylights and a window or two.

Upon motion duly made and seconded, it was

VOTED: To extend the action deadline for Site Plan Review #19-11 & Stormwater Management Permit #19-08 for 225 Andover Street to September 30, 2019.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Site Plan Review #19-11 & Stormwater Management Permit #19-08 for 225 Andover Street to September 10, 2019 at 9:30 pm.

### **Board of Appeals**

At its meeting on Tuesday, August 6, 2019 the Planning Board voted to recommend as follows:

#### **Case 9-19 for 22 Grant Street – Map 62 Parcel 13 (continued)**

Upon motion duly made and seconded, it was unanimously

VOTED: The foundation of the proposed house as shown on the plans appears to extend beyond the 6.9' proposed front setback with a bump-out, the proposed front stairs are very close to the street, and the dimensions on the floor plans do not appear to be consistent or accurate. The Board of Appeals should determine the actual dimensions of the proposed house and the actual proposed setback from Patterson Street. The Board of Appeals should also consider how the proposed dwelling will be accessed from the driveway.

#### **Case 10-19 for 6 Pineridge Road – Map 88 Parcel 89-46 (continued)**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The modest increase in height within the same footprint does not appear to be more detrimental to the neighborhood.

#### **Case 17-19 for 7 Dorchester Street – Map 11 Parcel 44A**

Upon motion duly made and seconded, it was unanimously

VOTED: To recommend approval. The proposed addition conforms to all setbacks except the front, where it is less nonconforming than the existing house and does not appear to be more detrimental to the neighborhood.

### **Old Business**

Discussion – Subdivision Regulations

V. Gingrich said she scheduled a public hearing for the Subdivision Rules & Regulations at the next meeting as suggested by the Board.

### **New Business**

#### **Endorse plans for Site Plan Review #19-09 for 250 Ballardvale Street - Map R2 Parcel 23B Anne Marie Zsamba, Crown Castle for AT&T, Applicant**

##### **MATERIALS CONSIDERED:**

PLANS "AT&T Site Number: MA3122, BU #: 842899, Wilmington-Ballardvale", dated February 15, 2019 and last revised July 17, 2019, and "Tower Modification Drawings Prepared for: Crown Castle," dated February 15, 2019 and last revised July 30, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse plans for Site Plan Review #19-09 for 250 Ballardvale Street, entitled "AT&T Site Number: MA3122, BU #: 842899, Wilmington-Ballardvale", dated February 15, 2019 and last revised July 17, 2019, and "Tower Modification Drawings Prepared for: Crown Castle," dated February 15, 2019 and last revised July 30, 2019, both prepared by John W. Kelly III, P.E., B&T Engineering, Inc., 1717 South Boulder, Suite 300, Tulsa, OK 74119. Said property is located at 250 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcel 23B.

#### **Request to release lot 16 for Murray Hill Definitive Subdivision #14-01 Map 4 Parcels 7 & 7A – C.S. Newhouse Builders, Inc., Applicant**

A request to release lot 16 for Murray Hill Definitive Subdivision #14-01 was received.

##### **MATERIALS CONSIDERED:**

LETTER from Craig Newhouse, C.S. Newhouse Builders, Inc. dated July 24, 2019

Upon motion duly made and seconded, it was unanimously


VOTED: To release lot 16 (2 Eagleview Drive) for Phase IV. Surety was previously presented in the form of a bank check. The executed Form J, Release of Lot in Exchange for Provision of Surety, is enclosed and needs to be recorded at the Registry of Deeds

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

VOTED: To adjourn the meeting at 10:59 p.m.

NEXT PLANNING BOARD MEETING: September 10, 2019

Respectfully submitted,

  
Cheryl Licciardi  
Recording Clerk