



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

Planning Board Minutes September 10, 2019

The Planning Board met on Tuesday, September 10, 2019 at 7:30 p.m. in Room 9 of the Town Hall. The following members were present: Michael Sorrentino, Chair; Randi Holland; and Terence Boland. Sean Hennigan was absent. Valerie Gingrich, Director of Planning & Conservation, and Sierra Pelletier, Assistant Planner were also present

Minutes

The Planning Board reviewed the July 9, 2019 and August 6, 2019 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the July 9, 2019 and August 6, 2019 minutes as drafted.

Form A

There were no ANR plans to review.

Matters of Appointment

Amend the Town of Wilmington Rules and Regulations Governing the Subdivision of Land

V. Gingrich said the effort for this modification was to modernize the language and make it more user friendly. V. Gingrich introduced the D. McClure, McClure Planning, LLC who was the planning consultant, P. Alunni, Town Engineer, and J. Silverstein, KP Law, Town Counsel. She said the Rules and Regulations were organized in chronological order. She said the Preliminary Subdivision section was unclear as to the process so the process we have been using was formalized as the process going forward. She said the notifications were changed to being sent to direct abutters rather than also including abutters to abutters to reflect Mass General Law. V. Gingrich said Mass General Law says applicant must pay for legal advertisement so that was changed as well. With respect to the plan content, it was changed to reflect what we currently ask for. For example, stormwater is different than it was in the seventies. She said the language for sewer said you shall connect to sewer but that's not always allowed so the language was changed to reflect when it's appropriate. V. Gingrich said the Design Standards were moved to the Design section instead of in the construction section. The Regulations were reorganized so that related things are in the same section. She said the minor road pavement width was reduced from 32' to 28' to reflect what was approved in a lot of the new subdivisions. She said 28' is a good width for a minor street but the Conservation Subdivisions have been less. She said the high and low density categories were eliminated. She said P. Alunni updated the standard cross section. She said for curbing, vertical granite is required everywhere instead of just at intersections, curves and slopes. V. Gingrich said in the Construction section, standards and methods are now outlined clearly. She said there is a list of when the Town should be notified of when things are happening and a list of required inspections.

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TOWN OF WILMINGTON, MA

M. Sorrentino asked if clarification of definitions for heights or how setbacks are included? V. Gingrich said those would have to be worked into the Zoning Bylaw. T. Boland asked if definitions for heights and setbacks are anywhere other than in the Zoning Bylaw under Dimensional Regulations and V. Gingrich said they would not be placed in the Subdivision Rules and Regulations. V. Gingrich said Subdivision Rules and Regulations are really governed by State Law. M. Sorrentino asked if there is anything about 81G applications and V. Gingrich said a separate draft for Rules and Regulations for 81G Applications has been started. drafted as well. M. Sorrentino asked if corner lots were addressed and R. Holland said that would be in the Zoning Bylaw. M. Sorrentino asked if there was anything the Town Engineer wanted but didn't get. P. Alunni said from a DPW standpoint, they are very pleased. R. Holland asked if the Regulations keep sidewalks on both sides of the street. V. Gingrich said that was kept. She said developers could ask for a waiver if it does not work for them. She said the grass strip between the sidewalk and street was kept. M. Sorrentino said people do not understand if street trees are in the right-of-way. V. Gingrich said the street trees are kept outside the right-of-way. V. Gingrich said J. Magaldi requires a private street tree planting form for each tree, submitted from the property owner. She said he has every tree inventoried for each property so there is record of it being a public shade tree. M. Sorrentino asked if there is anything in the Regulations that say if there is a 30" diameter tree and a developer wants to remove it, what protects it. V. Gingrich said it is required they provide the locations of large trees. T. Boland asked if the right-of-way is 50'. V. Gingrich said for minor streets it is 50' and it goes up to 60' with major streets. M. Sorrentino said when Cumberland Farms was approved there was supposed to be a tree every so many feet. Because it was a gas station, it did not make sense so they gave the Town mitigation funds for the number of trees they did not have to plant. V. Gingrich said the Rule and Regulations require street trees to be 40' apart. R. Holland said a 100' lot should have 2 to 3 trees. V. Gingrich agreed. M. Sorrentino asked J. Silverstein how the Board could link something for the betterment of the Town. J. Silverstein said it is not linkage if it is related to development. M. Sorrentino asked if the Tree Warden is comfortable with the changes to the Regulations and V. Gingrich said yes. V. Gingrich said J. Magaldi, J. Lobao and M. Woods have reviewed the changes and are satisfied with the revisions. M. Sorrentino asked if continuances of public hearings were addressed and V. Gingrich said not in the Regulations but the Board can always deny a project. M. Sorrentino asked what is a considered a reasonable amount of time for the Board to approve a subdivision and V. Gingrich said it depends on the quality of the submission. R. Holland asked if the Planning Department could reject a submission if it is not complete and V. Gingrich said they are given a preliminary review at the counter and if there are major things like contour lines missing or the applicant is missing something like the abutters list, the submission will not be accepted. A thorough review of the application is made and if something is missing, the applicant will receive a letter explaining what else is required. M. Sorrentino asked if the recording of a Conservation Commission Order of Conditions was addressed and V. Gingrich said it is not addressed in the Subdivision Rules and Regulations but the recording of the subdivision is addressed. M. Sorrentino asked if a developer does something like remove trees that they weren't allowed to, how can the Town correct that and V. Gingrich said when the Board asked for surety, the Town holds 10% until the street is accepted or 18 months following completion of the project. The Board discussed waiting to vote until S. Hennigan is back.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Amend the Town of Wilmington Rules and Regulations Governing the Subdivision of Land to October 1, 2019 at 7:30 p.m. in Room 9 of the Town Hall.

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

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

Upon motion duly made and seconded, it was unanimously

VOTED: To extend the action deadline for Site Plan Review #19-07 for 773 Salem Street to October 31, 2019.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Site Plan Review #19-07 for 773 Salem Street to October 1, 2019 at 7:40 p.m. in Room 9 of the Town Hall.

**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 "Site Plan for Redevelopment of 269 Ballardvale Street – Wilmington, MA"
dated June 5, 2019 and last revised August 13, 2019

V. Gingrich said a draft decision was prepared and the applicant submitted revised plans to address all issues so the draft decision was revised and there are no outstanding issues. V. Gingrich went over the draft decision.

Upon motion duly made and seconded, it was unanimously

VOTED: To close the public hearing for Site Plan Review #19-08 & Stormwater Management Permit #19-06 for 269 Ballardvale Street.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve approve with conditions Site Plan Review #19-08 for 269 Ballardvale Street as shown on plan entitled "Site Plan for Redevelopment of 269 Ballardvale Street – Wilmington, MA", Sheets 1 through 8, dated June 5, 2019 and last revised August 13, 2019, prepared by Scott M. L'Italien, P.L.S., and Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180.

Said property is located at 269 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcel 27A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on July 9, 2019 and closing on September 10, 2019, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by James Cavalieri, 16 Robin LLC, 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 269 Ballardvale Street for the demolition of 6,363 sq. ft. of an existing 10,321 sq. ft. office/manufacturing building and addition of a 2,448 sq. ft. garage to the site, as shown on plan entitled "Site Plan for Redevelopment of 269 Ballardvale Street – Wilmington, MA", Sheets 1 through 8, dated June 5, 2019 and last revised August 13, 2019, prepared by Scott M. L'Italien, P.L.S., and Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180, submitted on June 12, 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.	June 12, 2019	Cover Letter, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated June 5, 2019.
2.	June 12, 2019	Cover Letter, prepared by Attorney Charles F. Houghton, dated June 11, 2019.
3.	June 12, 2019	Stormwater Management Report, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated June 5, 2019 and last revised August 6, 2019.
4.	June 13, 2019	Floor Plans and Elevations, prepared by David J. Collins, R.A., Orchard Street Studio Architects, dated April 2019 and last revised June 13, 2019.
5.	July 24, 2019	Response to Comments, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated July 23, 2019.
6.	August 8, 2019	Response to Comments, prepared by Brian P. Dundon, P.E., RJ O'Connell & Associates, Inc., dated August 8, 2019.

FINDINGS:

1. The Project site is shown on Map R2 Parcel 27A 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 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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

PRIOR TO START OF CONSTRUCTION:

9. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction conference.
10. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.
11. 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:

12. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
13. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
14. 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:

15. Heavy equipment/machinery, portable generators, and construction vehicles are prohibited from being stored, repaired, or washed in the crushed stone laydown area.
16. 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.
17. 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.
18. 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.
19. 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 Owner's responsibility.
20. 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.
21. 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.
22. 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.

Upon motion duly made and seconded, it was unanimously

VOTED: To issue Stormwater Management Permit #19-06 for 269 Ballardvale Street as follows:

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

September 12, 2019

ISSUED for Property located at 269 Ballardvale Street, Wilmington, Massachusetts (Map R2 Parcel 27A)

Case No.: Stormwater Management Permit #19-06

Applicant: James Cavalieri, 16 Robin LLC, 269 Ballardvale Street, Wilmington, MA 01887

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Site Plan for Redevelopment of 269 Ballardvale Street – Wilmington, MA", Sheets 1 through 8, dated June 5, 2019 and last revised August 13, 2019, prepared by Scott M. L'Italien, P.L.S., and Brian W. Timm, P.E., RJ O'Connell & Associates,

Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180. Said property is located at 269 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcel 27A; material submitted on June 12, 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.	June 12, 2019	Stormwater Management Report, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated June 5, 2019.
2.	July 24, 2019	Response to Comments, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated July 23, 2019.
3.	July 24, 2019	Stormwater Management Report, prepared by Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., dated June 5, 2019 and last revised July 23, 2019.
4.	August 8, 2019	Response to Comments, prepared by Brian P. Dundon, P.E., RJ O'Connell & Associates, Inc., dated August 8, 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.

Upon motion duly made and seconded, it was unanimously

VOTED: To endorse plan entitled, "Site Plan for Redevelopment of 269 Ballardvale Street – Wilmington, MA", Sheets 1 through 8, dated June 5, 2019 and last revised August 13, 2019, prepared by Scott M. L'Italien, P.L.S., and Brian W. Timm, P.E., RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Suite 201, Stoneham, MA 02180.

**Continued Public Hearing - Site Plan Review #19-06, Stormwater Management Permit #19-05 & Parking Special Permit #19-01 for 613 Main Street - 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.

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 October 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 October 1, 2019 at 8:15 p.m. in Room 9 of the Town Hall.

**Public Hearing - Site Plan Review #19-12 & Stormwater Management Permit #19-10
65 Industrial Way - Map 56 Parcel 122 – Arthur Kanavos for 65 Industrial Way, LLC,
Applicant**

PRESENT IN INTEREST: Eugene T. Sullivan, Eugene T. Sullivan, Inc.

MATERIALS CONSIDERED:

PLAN "Proposed Parking Plan, 65 Industrial Way in Wilmington, Massachusetts" dated August 12, 2019

OPERATION & MAINTENANCE MANUAL FOR STORM DRAINAGE FACILITIES dated August 5, 2019
REVIEW LETTER dated August 30, 2019

E. Sullivan said he is not the engineer that prepared the plan but neither he nor the applicant could be present so he is representing them. He said he received a letter from the Planning Department. He understands there were previous hearings with the applicant regarding the project. E. Sullivan said A. Kanavos would like to enlarge a loading door and add a second loading door. He said there is an MDC trap and the piping will be extended and tied into that trap and go out into the street. He said there were concerns with respect to open space. E. Sullivan said the applicant eliminated parking spaces and added some areas to increase open space that was previously approved by Special Permit. He said the Planning Department comments are simple. He said the number for parking will be corrected, they were a couple of spaces off. V. Gingrich said A. Kanavos needs to get back to his allowed 9.9% open space, which he does not currently meet. She said that was a variance from 1991. She explained there is currently a storage area in the corner of the lot where he is proposing some open spaces. E. Sullivan said in the new plan the dumpsters are on paved area. V. Gingrich said they are storing signs and they are showing it as open space so it is not appropriate. E. Sullivan said anything that is mulched will not be used as storage. E. Sullivan said he understands the comments and asked if the Board needed anything further.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Site Plan Review #19-12 & Stormwater Management Permit #19-10 for 65 Industrial Way to October 1, 2019 at 8:20 p.m. in Room 9 of the Town Hall.

**Continued 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: Tyler Murphy, Rhino Capital, LLC

MATERIALS CONSIDERED:

PLAN "Site Plan, 44 Concord Street in Wilmington, Massachusetts" dated July 6, 2019 and last revised August 29, 2019

STORMWATER OPERATION & MAINTENANCE PLAN undated and last revised August 29, 2019

RESPONSE TO REVIEW LETTER received August 2, 2019

RESPONSE TO DRAFT DECISION dated August 29, 2019

T. Murphy told the Board F. Russell was also the engineer on his project and is not available today. He was hoping everything is satisfactory. V. Gingrich said everything is good. T. Murphy asked beside the kick off meeting, what else he should do prior to construction and V. Gingrich said erosion controls need to be installed and inspected and then a kick off meeting can take place on the site.

Upon motion duly made and seconded, it was

VOTED: To close the public hearing for Site Plan Review #19-10 & Stormwater Management Permit #19-07 for 44 Concord Street.

Upon motion duly made and seconded, it was

VOTED: To approve with conditions Site Plan Review #19-10 for 44 Concord Street as shown on plan entitled "Site Plan, 44 Concord Street in Wilmington, Massachusetts," dated July 6, 2019 and last revised August 29, 2019, prepared by Frederick W. Russell,

P.E., 154 Aldrich Road, Wilmington, MA 01887. Said property is located at 44 Concord Street, Wilmington, MA, and shown on Assessor's Map 91 Parcel 119A.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on July 9, 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 Rhino Capital LLC, 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 44 Concord Street for the restriping of an existing parking lot and installation of three drywells for stormwater management, as shown on plan entitled "Site Plan, 44 Concord Street in Wilmington, Massachusetts," dated July 6, 2019 and last revised August 29, 2019, prepared by Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, MA 01887, submitted on July 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.	July 10, 2019	Project Narrative, prepared by Tyler Murphy, Rhino Capital, dated June 12, 2019.
2.	July 10, 2019	Agent Authorization Letter, signed by Michael Olson, owner of 44 Rhino Capital LLC and 44 Concord LLC, and Tyler Murphy, Rhino Capital, dated June 11, 2019.
3.	July 10, 2019	Stormwater Operation & Maintenance Plan.
4.	July 10, 2019	Parking Requirements by Section, Existing Conditions Plan, prepared by Weston & Sampson, dated February 19, 2019.
5.	July 10, 2019	Existing Floor Plan, prepared by Weston & Sampson, dated February 19, 2019.
6.	July 10, 2019	Drainage Analysis, prepared by Frederick W. Russell, P.E., dated July 6, 2019.
7.	August 15, 2019	Response to Comments, prepared by Tyler Murphy, Rhino Capital, dated August 2, 2019.
8.	August 15, 2019	Stormwater Operation & Maintenance Plan, dated July 30, 2019.
9.	August 30, 2019	Response to Draft Decision Conditions, prepared by Tyler Murphy, Rhino Capital, dated August 29, 2019.
10.	August 30, 2019	Stormwater Operation & Maintenance Plan, dated August 29, 2019.

FINDINGS:

1. The Project site is shown on Map 91 Parcel 119A 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.
23. 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.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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

PRIOR TO START OF CONSTRUCTION:

25. 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.
26. If applicable, a Stormwater Pollution Prevention Plan shall be submitted prior to the pre-construction meeting.

27. Erosion controls shall be installed in accordance with the Site 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:

28. As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.
29. 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.
30. All site work shall be substantially completed in accordance with the approved site plans prior to issuance of a Certificate of Occupancy.

POST CONSTRUCTION:

31. 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.
32. 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.
33. 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.
34. 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 Owner's responsibility.
35. 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.
36. 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.
37. 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.

Upon motion duly made and seconded, it was

VOTED: To approve with conditions Stormwater Management Permit #19-07 for 44 Concord Street as follows:

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

September 12, 2019

ISSUED for Property located at 44 Concord Street, Wilmington, Massachusetts (Map 91 Parcel 119A)

Case No.: Stormwater Management Permit #19-07

Applicant: Tyler Murphy, Rhino Capital LLC, 859 Willard Street, Suite 400, Quincy, MA 02169

The Wilmington Planning Board has reviewed and approved the Stormwater Management application and plan entitled, "Site Plan, 44 Concord Street in Wilmington, Massachusetts," dated July 6, 2019 and last revised August 29, 2019, prepared by Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, MA 01887. Said property is located at 44 Concord Street, Wilmington, MA, and shown on Assessor's Map 91 Parcel 119A; material submitted on July 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.	July 10, 2019	Project Narrative, prepared by Tyler Murphy, Rhino Capital, dated June 12, 2019.
2.	July 10, 2019	Stormwater Operation & Maintenance Plan.
3.	July 10, 2019	Drainage Analysis, prepared by Frederick W. Russell, P.E., dated July 6, 2019.
4.	August 15, 2019	Response to Comments, prepared by Tyler Murphy, Rhino Capital, dated August 2, 2019.
5.	August 15, 2019	Stormwater Operation & Maintenance Plan, dated July 30, 2019.
6.	August 30, 2019	Response to Draft Decision Conditions, prepared by Tyler Murphy, Rhino Capital, dated August 29, 2019.
7.	August 30, 2019	Stormwater Operation & Maintenance Plan, dated August 29, 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 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.

Upon motion duly made and seconded, it was

VOTED: To endorse plans for Site Plan Review #19-10 for 44 Concord Street, plan entitled "Site Plan, 44 Concord Street in Wilmington, Massachusetts," dated July 6, 2019 and last revised August 29, 2019, prepared by Frederick W. Russell, P.E., 154 Aldrich Road, Wilmington, MA 01887.

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

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

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 October 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 October 1, 2019 at 8:45 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

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

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 October 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 October 1, 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.

Upon motion duly made and seconded, it was

VOTED: To extend the action deadline for Preliminary Subdivision #19-01 for 203 Lowell Street to October 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 October 1, 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

A request to continue the public hearing was received.

Upon motion duly made and seconded, it was unanimously

VOTED: To continue the public hearing for Conservation Subdivision Design Special Permit #19-01 for 79 Nichols Street to October 1, 2019 at 9:15 p.m. in Room 9 of the Town Hall.

Continued 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

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

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 October 31, 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 October 1, 2019 at 9:20 pm.

**Public Hearing – Definitive Subdivision #19-02 & Stormwater Management Permit #19-19 for Highland Estates – Map 10 Parcels 5, 5A, 6 36, 37, 38, 39, 40, 49, 50, 51 and 52A
James V. Castellano, Lily Oak Hill, LLC, Applicant**

PRESENT IN INTEREST: Attorney Charles Houghton, Esq.
Anthony Castellano

MATERIALS CONSIDERED:

PLAN "Highland Estates, 45 Hopkins Street, Wilmington, Massachusetts" dated May 10, 2019
STORMWATER MANAGEMENT & EROSION CONTROL REPORT dated May 10, 2019
PHASE I ENVIRONMENTAL SITE ASSESSMENT, 45-47 HOPKINS STREET/8 SARAFINA WAY, WILMINGTON, MA 01887 dated September 6, 2019
HOUSE PLANS dated April 17, 2017
SHORT TRAFFIC STUDY dated June 10, 2019
TURNING EXHIBIT undated
HYDRAULIC ANALYSIS dated May 21, 2019
DPW E-MAIL dated August 8, 2019
ENGINEERING MEMO dated September 9, 2019
REVIEW LETTER dated August 30, 2019
LETTER from Jack A. Szemplinski dated June 12, 2019

C. Houghton said he was in receipt of a 34 item list of concerns to address. He said there will be 17 new lots for this subdivision and they will not be submitting an ANR plan so it will be 18 lots total. C. Houghton said this is registered land so they will not do the lot consolidation.

Robert Beaulieu, 77 Alexander Road, Billerica, said he submitted a letter dated September 5, 2019. He said he lives in Wilmington but he represents the Alexander Road industrial condos. He said lot 17 is close to their property line and they are a high industrial condo that will be close to the residential houses within 20' to the property line. He said there is a retention pond between the road and lot 17. He asked why lot 17 could not be moved on the road being built and move the retention pond back to mitigate noise or plant a row of trees. C. Houghton said the applicant rents a spot there as well so he will have a conversation with him. Resident, L. Bradley, 4 Sarafinas Way, is happy with the proposal. C. Houghton said the engineer has been working on revising plans since August 26, 2019. He is hoping they are ready for the next hearing.

Upon motion duly made and seconded, it was

VOTED: To continue the public hearing for Definitive Subdivision #19-02 & Stormwater Management Permit #19-19 for Highland Estates to October 1, 2019 at 8:30 p.m. in Room 9 of the Town Hall.

Board of Appeals

There were no Board of Appeals to review.

Old Business

There was no Old Business to discuss

New Business

Request to release lot 17 for Murray Hill Definitive Subdivision #14-01 Map 4 Parcel 39 – C.S. Newhouse Builders, Inc., Applicant

A request to release lot 17 for Murray Hill Definitive Subdivision #14-01 was received.

MATERIALS CONSIDERED:

LETTER from Craig Newhouse, C.S. Newhouse Builders, Inc. dated August 2, 2019

Upon motion duly made and seconded, it was unanimously

VOTED: To release lot 17 (4 Eagleview Drive) for Phase IV. Surety was previously presented in the form of a bank check.

Request to waive Site Plan Review for 220 Middlesex Avenue - Map 65 Parcel 2 – Tim Yee Cellco Partnership d/b/a Verizon Wireless, Applicant

PRESENT IN INTEREST: Tim Yee, Cellco Partnership

MATERIALS CONSIDERED:

PLAN "Wilmington 8 MA, 220 Middlesex Ave., Wilmington, MA 01887" dated May 3, 2019

LETTER from Tim Yee undated

T. Yee told the Board there are three antennas in the steeple and Verizon will replacing them with three newer versions. He said there will be no changes to the exterior.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the request to waive Site Plan Review for 220 Middlesex Avenue to update and replace existing remote radio heads within the church as shown on plan entitled "Wilmington 8 MA, 220 Middlesex Ave., Wilmington, MA 01887", dated May 3, 2019

**Request to endorse Site Plan Review #19-05 for 100 Research Drive - Map R3 Parcel 401
Michael J. Juliano, Eaglebrook Engineering & Survey, LLC, for Joseph Martignetti, Applicant**

MATERIALS CONSIDERED:

PLANS "Proposed Permit Plan, 100 Research Drive, Located in Wilmington, Massachusetts" dated April 26, 2019 and last revised July 22, 2019

Upon motion duly made and seconded, it was

VOTED: To endorse 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.

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

VOTED: To adjourn the meeting at 9:55 p.m.

NEXT PLANNING BOARD MEETING: October 1, 2019

Respectfully submitted, .



Cheryl Licciardi
Recording Clerk