



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

September 9, 2022

TO: Board of Selectmen

RE: Senior Center Building Committee

The Senior Center Building Committee met on August 31st to review the cost estimate for a proposed senior center on property next to St. Dorothy's Church. Cost estimating services were provided by PM & C from Hingham, MA. Dietz & Company provided potential options to reduce the project cost. Alternatives offered for consideration included replacing aluminum windows with a hard plastic type of window referred to as uPVC (unplasticized polyvinyl chloride) or fiberglass windows, removing the pergola, changing the interior wall materials, changing the type of insulation and changing the composition of the paved pickleball courts. The committee agreed to a proposed change from stamped concrete to a brushed concrete for the patio surface for a reduction of \$67,735. The concern expressed amongst committee members was that selecting alternative materials that might be less durable would result in a shorter period before replacement and that the long-term maintenance costs would be higher than staying with the materials or items contained in the existing cost estimate.

One item being considered as a potential "add" to the price estimate is an emergency generator. The estimated cost is \$180,282. Discussion took place about whether an emergency generator is needed at all and if so the systems within the building that warrant back-up power. Depending upon the systems to be supported by an emergency generator, that cost could be higher than the \$180,282 estimate. The committee took this matter under advisement for discussion at the next meeting scheduled for September 14th. The total estimated project cost for design development, owners project manager and construction is \$17,264,561.


Jeffrey M. Hull
Town Manager

cc: George Hooper, Chairman, Senior Center Building Committee



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

September 9, 2022

TO: Board of Selectmen

RE: Town/School Building Committee Update

On September 7th the Town/School Building Committee met to review cost estimates prepared by PM&C LLC a firm that specializes in cost estimating for construction projects. Dan Pallotta, Owners Project Manager (OPM), reviewed two projections. The estimate of \$37,495,766 includes \$190,000 for technology costs associated with equipment required by WCTV. A control room has been included in the design to enable coverage of meetings held in the two (2) hearing rooms. Equipment similar to the existing equipment in Room 9 that is used to cover Board of Selectmen meetings and other board and committee meetings would be required in a new building. The second cost estimate of \$37,305,766 excludes the WCTV technology/equipment. Mr. Pallotta advised that the committee provide direction on whether or not to make the WCTV equipment part of the project cost.

The cost estimate was described as a "worst case scenario" and includes design and construction contingencies and an adjustment of 7.9% for inflation. The total project cost exclusive of WCTV technology includes cost for OPM services, architect/design services, construction, fixtures, furnishings and equipment, IT and telephony. Mr. Pallotta stated that he will be working with Phil O'Brien from Johnson Roberts to conduct value engineering similar to the effort made with the senior center building project. This effort involves considering alternatives on specific elements of the building or site to determine whether there are less expensive, but equally effective, materials or approaches to completing the project.

The committee agreed to give additional time for Dan and Phil to complete that effort and forego the next regularly scheduled meeting of September 21st for a September 28th meeting. During the next meeting the committee will review options to lessen the project cost.

Kevin A. Caira
Selectmen

cc: George Hooper, Chairman, Town/School Building Committee



Every Person. Every Family. Every Community.

7th Annual Candlelight Vigil

for Substance Use Awareness

September 19th, 2022 @ 6:30pm, Wilmington Town Common

YOU ARE NOT ALONE.

Health. Home. Purpose. Community.

Join the Wilmington Substance Abuse Coalition in a night of community as we remember our lost loved ones and celebrate recovery. The evening will highlight the importance of health, home, purpose, and community – four critical dimensions for successful recovery.

Special guests include Selectwoman Judy O'Connell, Chief Joe Desmond, Wilmington HS Soundscape A Cappella, and two local individuals in recovery.

**IF YOU WOULD LIKE YOUR LOVED ONE'S NAME READ & REMEMBERED, PLEASE
SEND INFORMATION TO:**

(name, date of birth, date of passing, town, and one photo)

Samantha Cavanaugh – scavanaugh@wpd.org





Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

September 2, 2022

TO: Board of Selectmen

RE: Grant for Frank Kelley Track

Thanks to the efforts of the Town's legislative delegation, the Town is the recipient of \$75,000 to supplement the Town's appropriation of \$520,000 to reconstruct the Frank Kelley Track on the high school campus. You may recall that Annual Town Meeting appropriated \$520,000 to reconstruct the existing running track and stripping and replacing the rubberized surface on the D-area (designated for track and field events). That sum, in addition to a \$5,560 carry forward of design funds, provided the Town with \$525,560. Bid results were in excess of the appropriation but this earmark of funds from the state will enable the full scope of the work to be completed. The current project cost is \$584,618. Installation of the rubber track surface is planned for the next major phase. The target date for completion is September 16th.


Jeffrey M. Hull
Town Manager



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September 1, 2022

TO: Board of Selectmen

RE: Munis Implementation

I just wished to take this opportunity to provide an update to the Board on the Town's progress with the ongoing Munis Implementation.

As of May '22, the town has transitioned its Accounts Payable functions from Softright into Munis. Each department now enters their own invoices for review and approval. This then triggers a workflow where the invoices are electronically reviewed and approved by each department head prior to its review by the Accounting Office. Clerks and Department Heads also now have many more tools to view and analyze their financial operations and respective budgetary position.

The current phase of the project is the implementation of Tyler's Human Capital Management module which includes Payroll, Human Resources/Talent Management, Employee Self Services, and Recruiting. This is not anticipated to fully transition until the start of April '23, though the town will run many payrolls in parallel in both systems to ensure a seamless transition. This is a high leverage function that needs to be thoughtfully and accurately built as the project utilizes many different resources from the town, straddling Accounting/Payroll/Human Resources.

As far as the project's budget, the FY19 Town Meeting voted an article passed providing \$941,800 in funds for an Enterprise Software System. The town has approximately \$300k in available funds from the capital article, my expectation is this should suffice for the remainder of the project for implementation costs. The Finance Committee has also graciously offered their support if there is any outside assistance that needs to be included in this project.

Should you wish to discuss this further, I will be available to answer any of your questions.

Thank you,

Bryan Perry
Finance Director/Town Accountant

cc: Jeffrey M. Hull, Town Manager



TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS

Highway
Tree

Water & Sewer
Parks & Grounds

Engineering
Cemetery

Interoffice Memorandum

TO: Jeffrey M. Hull, Town Manager

FROM: Jamie M. Magaldi, PE, MCA, Public Works Director *JMM*
Chief Joseph Desmond, Wilmington Police Department *JSD*

SUBJECT: Nichols Street – Summary of Traffic Enforcement and Calming Efforts

DATE: September 6, 2022

Growing concerns for issues related to current Nichols Street traffic patterns were recently raised by area residents at the September 22, 2022 Board of Selectmen's meeting. The Wilmington Department of Public Works and the Wilmington Police Department present the following information to summarize the collective efforts of both departments in acknowledging, analyzing, and implementing ongoing communication and solution strategies in the Nichols Street neighborhood over the last several years.

2020-2021 BACKGROUND

On December 31, 2020, the Town Manager issued correspondence to the Board of Selectmen outlining traffic concerns from a Nichols Street resident related to traffic volume, reports of speeding, and truck traffic. In response to the correspondence, the Town Manager directed members of the Wilmington Police Department and Wilmington Department of Public Works to meet with the resident to better understand the concerns in an attempt to offer solutions.

On January 7, 2021, a team consisting of Chief Joseph Desmond, Deputy Police Chief Brian Pupa, DPW Operations Manager Jamie Magaldi, Safety Officer Brian Moon, and Officer Daniel Furbush met with representatives from Nichols Street for an open table discussion related to traffic concerns. Various topics were discussed such as roadway width, existing approved speed limit zones and regulatory signage, truck exclusion potential, potential for one-way traffic, and other methods of traffic calming. Safety Officer Moon presented findings based on actual data collection which did not suggest that excessive speeding was a consistent and ongoing issue in the general area. In addition, existing truck volumes were less than the required 5% minimum volumes which are generally required in order to begin considering a potential truck exclusion, per Massachusetts standards.

The meeting concluded with Nichols Street representatives thanking the team for their comprehensive efforts to discuss solution strategies. Special appreciation was extended to the team for helping to explain the various state and federal standards set forth in the Manual for Uniform Traffic Control Devices (MUTCD) and Massachusetts Amendments to the MUTCD which govern uniform standards for setting speed limits, truck exclusions, and signage requirements. Two main commitments were made by the Town of Wilmington at conclusion of the meeting:

1. An existing inventory of regulatory signage would be made along Nichols Street and any missing signage, including speed limit signage and other regulatory signage, would be replaced.
2. The Wilmington Police Department would increase patrols in the area and perform special speed enforcement.

As a result, a signage survey indicated that a special speed regulation sign of 35 mph was missing on Nichols Street southbound in the area of Ohio Street. The sign was replaced by DPW crews on January 11, 2021. Furthermore, speed enforcement was deployed on the following dates on Nichols Street between 95 and 135 Nichols Street:

1/5/2021	1/23/2021	2/23/2021	11/18/2021	8/8/2022
1/8/2021	1/24/2021	2/25/2021	11/20/2021	8/17/2022
1/11/2021	1/25/2021	3/17/2021	3/14/2022	8/30/2022
1/12/2021	1/26/2021	3/24/2021	7/21/2022	
1/14/2021	1/28/2021	4/7/2021	7/28/2022	
1/15/2021	1/29/2021	4/8/2021	7/29/2022	
1/20/2021	1/30/2021	4/12/2021	8/2/2022	
1/21/2021	2/4/2021	5/19/2021	8/3/2022	
1/22/2021	2/22/2021	6/11/2021	8/5/2022	

Please note that these dates do not reflect all of the dates of enforcement, as there were several days of "unassigned enforcement" in the area aimed at providing a surprise presence for those who monitor the police frequency frequently.

Data collected in April of 2021 revealed truck traffic at 3% of total volume with an average truck speed of **30.7 mph**, while average car traffic average speeds were **32.7 mph**.

EFFORTS PRIOR TO 2020

Prior to these efforts, the Department of Public works reacted to various calls from area neighbors in response to requests for assistance related to traffic control. DPW records indicate that in October of 2014 the DPW installed 2 yellow cautionary 25 mph speed limit signs in the vicinity of 124 Nichols Street in an attempt to help curtail reported speeding along that stretch of the roadway. In March of 2017, at the request of a Nichols Street resident, DPW crews installed a sign on Shawsheen Ave (Route 129) just north of Nichols Street which helps alert motorists that Route 129 proceeds northerly into Billerica and does not veer off onto Nichols Street. This was in response to concerns that trucks not familiar with the area may turn onto Nichols Street.

CONSISTENCY OF STANDARDS

The Department of Public Works and the Wilmington Police Department frequently get requests by concerned residents along arterial and collector roadways similar in character to Nichols Street for additional traffic controls, altered speed limit signage, and truck deterrent signage. The Town has an obligation to ensure regulatory and warning controls confirm to national standards adopted by the Federal Highway Administration in order to standardize driving conditions and roadway controls nationwide.

RECENT 2022 COMMUNICATION ON NICHOLS STREET

More recently, the Town Manager exchanged email correspondence with another Nichols Street resident between August 5, 2022 and August 9, 2022 who had similar questions related to traffic control, setting regulatory speed limits, setting statutory speed limits, truck exclusions, and police patrols. Efforts were made to help the resident understand that traffic standards are designed to make traffic rules uniform

from state to state so that motorists do not encounter different standards as they travel and have been designed by licensed traffic engineers after countless safety studies and data research. Reference was made to professional studies which suggest dropping the speed limit below engineering recommendations leads to greater accident frequency and an overall disregard for posted speed limits, as engineering recommendations are largely based on speeds at which average drivers travel comfortably based on roadway conditions and surroundings. This email correspondence also ended with the resident expressing appreciation for the comprehensive information and efforts to help explain current standards.

2022 COMMITMENTS

During the August 9, 2022 email exchange, new proactive commitments were made to assist with continued requests for traffic control along Nichols Street. The Town committed to deploying portable "Driver Feedback Signs" which display motorists' speeds compared to posted speed limits along Nichols Street. These new devices, which were recently received by the Wilmington Police Department by a grant, are designed to be deployed short term and relocated as needed to help curtail speeding by taking advantage of their effectiveness during the first few weeks of being deployed, as traditional permanent installations tend to blend into existing signage and lose effectiveness after long term exposure. This sign was deployed by Wilmington Police personnel on August 29, 2022. Further commitments to re-gather and update traffic data (speed data and trucking volumes) were made at this time and this data is currently in the process of getting collected.

The Town of Wilmington appreciates the concerns of area residents, and has made collective efforts to investigate and offer solutions based on observed data on Nichols Street and other similar streets with comparable residential, geometric, and arterial collector roadway characteristics. The Department of Public Works and the Wilmington Police Department will continue to work cooperatively to help residents and users of Wilmington's roadway network understand what we can offer that is both trusted to produce results and in compliance with federal standards in order to offer solutions to defined and data-proven traffic concerns.



TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS

Highway Water & Sewer Engineering
Tree Parks & Grounds Cemetery

Interoffice Memorandum

TO: Jeffrey M. Hull, Town Manager

FROM: Jamie M. Magaldi, PE, MCA, Public Works Director
Paul Alunni, PE, Town Engineer
Valerie Gingrich, Director of Planning and Conservation
Shelly Newhouse, Director of Public Health
Bryan Perry, Director of Finance / Town Accountant

SUBJECT: ARPA Funding Status Update

DATE: Updated September 7, 2022

The Town Manager's Office provided the Board of Selectmen with a proposal on the planned use of American Rescue Plan Act (ARPA) Funds in correspondence dated November 5, 2021. As stated in the memo, ARPA funding awarded to the Town of Wilmington in the amount of \$7,007,864 must be obligated by or before December 31, 2024 and expended by December 31, 2026. The following chart serves as a reminder to the current planned allocation of funding, followed by updates for each project.

Project Total	Allocation Estimate
Replacement of Woburn Street water main from Lowell Street to the Woburn Street School	\$5,500,000
Stormwater improvements to existing catch basins	\$ 506,000 (reduced from \$550,000)
Lubbers Brook Culvert Replacement – Mass Grant Supplement	\$ 450,000 (added February 14, 2022)
Water Supply Screening and Life Cycle Cost Analysis	\$ 44,000 (added August 30, 2022)
Support of personnel to conduct contact tracing	\$ 50,000
Provide grant for façade and streetscape improvements	\$ 300,000
Branding and Marketing	\$ 50,000
Grant Administration	\$ 100,000
Total	\$7,000,000

Water Supply System Improvements (Woburn Street Water Main)

This project consists of replacing approximately 11,000 of existing 10" water main on Woburn Street from just north of the intersection of Lowell Street to the area near the Woburn Street School.

May 2022 Status Update: The towns water resources consultant, Kleinfelder, has run an analysis and has determined the proposed water main replacement can likely be sized as a new 12" main,

rather than a 16" main and still provide similar flow benefits in the event of a future full time upgrade to MWRA.

September 2022 Status Update: The Department of Public Works completed proposal evaluations and recommended the award of the design phase of this large project to Green International Affiliates (GIA) in August 2022. To date, no money has yet been expended on this project.

Drainage System Improvements (Catch Basin Retrofits)

This project involves the retrofit of existing stormwater catch basins to include the implementation of best management practice (BMPs) to improve water quality at outfall discharge locations in sensitive locations (Ipswich River, Martins Brook, and Aberjona River watersheds).

May 2022 Status Update: One million dollars (\$1,000,000) to perform improvements at approximately 200 existing catch basins was originally allocated for this project. At the February 14, 2022 Board of Selectmen meeting, a memo was presented requesting funding for this project be reduced to \$550,000 to help accommodate an allocation of funds to supplement Mass Works grant funding to fund the Lubbers Brook Culvert Replacement Project (see update below).

September 2022 Update: Funding on this project has been reduced from \$550,000 to \$504,000 to fund a Water Supply Screening and Life Cycle Cost Analysis (see update below).

The Department of Public Works is in the process of preparing bid documents for this work in order to secure a contractor. No funds have been expended to date. It is anticipated that ARPA funds will be expended toward this endeavor in the 2023 and 2024 construction seasons.

Lubbers Brook Culvert / Jefferson Road Force Main and Pump Station Installation

In November of 2020, the Town of Wilmington was awarded Mass Works grant funding for public infrastructure improvements related to the Princeton Wilmington Smart Growth Housing Project. This project includes a sewer extension with pump station, a culvert replacement, and Jefferson Road Corridor Improvements. As previously reported to the Board of Selectmen, after opening bids for the project it was apparent that the project was underfunded by a considerable amount.

May 2022 Status Update: The Town of Wilmington has since been awarded additional Mass Works Grant funding for this project from the Executive Office of Housing and Economic Development (EOHED) with the understanding that there is partial match funding provided by both Princeton Properties and the Town of Wilmington. To provide local match for Wilmington, \$450,000 was reallocated from the catch basin retrofit project to the Lubbers Brook Culvert Replacement Project. The Town of Wilmington is preparing preconstruction logistics for this project and it is anticipated the Lubbers Brook Culvert replacement portion of this project will begin in July 2022.

September 2022 Status Update: The installation of the Lubbers Brook Culvert began on July 18, 2022 and the roadway was reopened to two-way traffic on August 30, 2022. The culvert project continues and is expected to be on track to be completed in October 2022. As the MassWorks Grant funding expires prior to ARPA funding, MassWorks Grant Funds have been used to pay project invoices thus far. To date, no ARPA funding has been expended on this project. It is anticipated that ARPA funding earmarked to supplement the MassWorks Grant will be used in spring of 2023 for the sewer extension and pump station infrastructure improvements associated with the MassWorks Grant.

Water Supply Screening and Life Cycle Cost Analysis

The DPW received a proposal from Kleinfelder, one of the Department's water distribution consultants, to perform a Water Supply Screening and Life Cycle Cost Analysis. This study will provide a long-term cost-benefit analysis of the Town's water supply infrastructure, including

projected costs associated with challenges related to long term regulatory compliance and water supply demand, to determine what long term capital investments are necessary to continue with local supply compared to utilizing the Town's connection to the Mass Water Resources Authority (MWRA) more regularly. As the town's water treatment plants are approaching an age where large scale investments will be required to continue with generating reliable long-term local supply, this study is critical to the planning of the Department's Water Division. In August of 2022, the DPW recommended executing a contract with Kleinfelder to move forward with this proposal. As of the start of September 2022, no funds have been expended on this project.

Support of Personnel to Conduct Contact Tracing

Funds were set aside for the potential for contact tracing associated with uncertainty surrounding COVID-19 patterns. As cases are still continuing as we head into the summer of 2022, there still exists potential for funding related to this need.

May 2022 Status Update: No funds have been expended to date.

September 2022 Status Update: No funds have been expended to date.

Provide Grants for Façade and Streetscape Improvements.

The town's consultant funded through the Local Rapid Recovery Program (LRRP) has advised that providing grant funding to local businesses to improve signage, storefronts, and streetscapes will help stimulate additional business.

May 2022 Status Update: No funds have been expended to date. The Façade Improvement Grant Program will be initiated following completion of the Branding and Marketing project. The project is expected in 2023.

September 2022 Status Update: No funds have been expended to date. See May 2022 update.

Branding and Marketing

LRRP consultant BerryDunn has also recommended the town engage in branding and marketing efforts to help spark economic development.

May 2022 Status Update: The Town has issued a Request for Proposals (RFP) for these services. The deadline to submit RFPs is May 25, 2022. More information is available on the Town's purchasing page on the Town's website. <https://www.wilmingtonma.gov/purchasing-department>

September 2022 Status Update: Stirling Brandworks, Inc. out of Winchester, MA was selected as the Town's consultant for the Branding and Marketing project with a contract in the amount of \$48,320.00. Tom Stirling is leading the branding and marketing effort, which to date has consisted of a half-day workshop, numerous interviews, and meetings with the Wilmington Economic Development Committee. Branding messaging for the Town is currently under development and will be used for the marketing portion of the project. As of August 31, 2022, \$14,496.00 has been expended on this project.

Grant Administration

As stated in the November 5, 2021 memo to the Selectmen, funding has been set aside to help administer the ARPA grant to help satisfy Treasury guidelines.

May 2022 Status Update: To date, the town has spent \$1,300.43 in consulting fees payable to CliftonLarsenAllen, LLC (CLA) for grant administration. This was related to the Federal Compliance Report for the U.S. Treasury. This was completed, with the assistance of CLA ahead of the April 30, 2022 due date. CLA has also provided consultation to the town with respect to the planning of allowable projects and to better understand the compliance regulations associated with ARPA.

September 2022 Status Update: No additional funds have been expended.



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September 2, 2022

Mr. Michael Busby
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: Proposed 40B – 79 Nichols Street – Baldwin Landing
Wilmington, MA
MH ID No. 1150

Dear Mr. Busby:

The Town of Wilmington would like to thank you for the opportunity to comment on the revised Project Eligibility/Site Approval application for a proposed 12-unit 40B development at 79 Nichols Street (the "Project"). The comments below have been compiled from various Town departments, elected officials and residents and reflect general concerns regarding the proposed development at this conceptual stage.

Background

Over the past few years, the Town has worked especially hard to increase its supply of affordable housing units and multi-family housing units. The Neighborhood Mixed Use (NM) Zoning District was created in 2016 to allow multi-family housing in existing commercial areas that were envisioned to be mixed-use areas in the Town's Master Plan. The NM Zoning District was established at the intersection of Lowell Street and Woburn Street and has been expanded to other commercial areas since its inception.

Recognizing that affordable housing should keep pace with new development, in 2019, Town Meeting approved an Inclusionary Zoning By-law that applies to multi-family development in Town and requires 15% of new units to be affordable and count on the Town's Subsidized Housing Inventory (SHI). The first project to include inclusionary units is currently under construction at 168 Lowell Street, which will include five (5) affordable townhomes.

In 2020, the Town partnered with Princeton Properties on a Local Initiative Program (LIP) 40B development for 108 rental units at the corner of Jefferson Road and Middlesex Avenue. The Jefferson Road Princeton Properties development (the "Jefferson Road Development") provided necessary units to reach the goal of having at least 10% of housing units in town meet DHCD's affordability guidelines to count towards the Town's SHI based on the new 2020 Census numbers. The Jefferson Road Development is located in a long-envisioned mixed-use village area with existing services and an adjacent commuter rail stop, the very definition of smart, transit-oriented growth. The Jefferson Road Development is also located in an area that is included in the Town's sewer district, where sewer is allowed to be extended per the Town's Comprehensive Wastewater Resources Management Plan ("CWRMP") that was approved by the Commonwealth. To facilitate the Jefferson Road Development, the Town applied for and received a \$2.89M MassWorks grant to extend sewer to the property, replace a failing culvert under Middlesex Avenue, and provide multimodal roadway improvements in the vicinity of the site. The Wilmington Board of Appeals unanimously voted to approve the Comprehensive Permit for the Jefferson Road Development and the Wilmington Conservation Commission voted to approve the Order of Conditions for the development. Unfortunately, the Order of Conditions was appealed by a group of residents and the subsequent Superseding Order of Conditions issued by MassDEP was also appealed by the resident group. Because of the appeals and the current adjudicatory process pending before MassDEP's Office of Appeal and Dispute Resolution, Princeton Properties was not able to apply for building permits within the required twelve (12) month timeframe for the units to count on the Town's SHI, leaving the Town just shy of the 10% goal.

As you can see, the Town has been diligently working toward providing more affordable housing and more housing options in Town in locations that have necessary infrastructure, proximity to transit, and fulfill the Town's vision for village style mixed-use nodes. Additionally, the Wilmington Zoning Board of Appeals ("ZBA") is currently reviewing an application for a 132-unit 40B development at 100-104 West Street, which received site approval from your office in May. Should the 100 West Street development receive approval from the ZBA, it would add 132 units to the Town's SHI and put the Town over the 10% threshold.

The proposal for twelve (12) single-family/duplex units at 79 Nichols Street raises significant concerns from the Town, which are outlined below.

Site Context and Design

The area including and surrounding the parcel at 79 Nichols Street is developed as single-family residential. The revised concept plan shows twelve (12) units in ten (10) single-family homes and one (1) duplex. While the revised proposal better reflects the scale and typology of the surrounding neighborhood than the previous 20-unit proposal that included a four-story multi-family building in the rear of the site, significant concerns remain as detailed below.

The current twelve (12) unit proposal is very dense as shown on the conceptual plans. The proposed homes are located 15' apart on the plan, which is a serious concern to the Wilmington Fire Department. The homes should be spaced a minimum of 20' apart and/or be redesigned as duplexes. The plans do not provide enough detail to demonstrate that site/civil standard engineering design practices can be met relating to public safety, site access, pedestrian connectivity, traffic, utility/sewer availability and connection, stormwater management, environmental/resource area impact mitigation, and site grading. To demonstrate the validity of this concern, it is important to note that this Applicant and engineering consultant attempted to permit a five (5) lot single family conservation subdivision from 2019 through 2021 at this location. The Applicant elected to withdraw their application after receiving numerous peer review letters from various Town Departments (including Fire, DPW and Planning/Conservation) detailing concerns related to substandard engineering design practices including concerns over public safety, access, geometric alignment and intersection design, sewer connection, utility layout, and failure to meet stormwater policy and regulations. All of these issues appeared to be related to a density of five (5) single family homes. Thus, it is unclear how an even denser twelve (12) unit development will be able to improve upon the previous submission let alone address the aforementioned concerns, even considering the current application's extension of the proposed roadway.

As designed, the project does not appear to meet at least five of MassHousing's sustainable development principles. The project will not eliminate or reduce neighborhood blight under the Protect Land and Ecosystems category by demolishing the existing single-family home that was actively used by the previous owner. In relation to Transportation Choice, Wilmington would not seem to qualify as a rural area and Route 129 in this location is not a "transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations." The Town recommends that MassHousing closely review the project and the Site Approval Application in relation to the sustainable development principles to ensure that at least five of the sustainable development principles are met.

Additionally, the plans do not provide any acknowledgment of the presence and history of the Middlesex Canal on this site and how the canal, which is listed as a National Register Historic District, will be respected and celebrated. Previous proposals included coordination with the Middlesex Canal Commission on historic educational signage and public access to this point on the Middlesex Canal, also known as Baldwin's Landing. Should the project receive a Project Eligibility Letter (PEL) approval and proceed to the ZBA, the Town will be interested in detailed plans that address these issues.

Nichols Street – Traffic and Pedestrian Safety

The project site is located on Nichols Street, which was recently the site of a serious hit and run accident. Nichols Street is used as a cut through between several towns and is either backed up with heavy volumes during school commuting hours or

experiences high vehicle speeds that result in dangerous conditions. While it may be argued that this project will not adversely impact that existing condition, the project will add a new intersection with new vehicle movements to the already stressed existing traffic conditions. The Town will be looking for a traffic and pedestrian safety study that addresses the existing intersections within the project vicinity (Nichols Street/Shawsheen Avenue, Nichols Street/Brown Street/Whipple Road), sight distance and geometric design at the proposed development entrance, and pedestrian connectivity within the project site and to area destinations such as the Shawsheen Elementary School playgrounds and fields. The proposed plan also does not show sidewalks, which are essential to creating a healthy, walkable community. The Town will be looking for pedestrian facilities in the proposed development and connectivity to the existing sidewalks on Nichols Street.

Site Location in the Non-Sewer District

The Town has developed a Comprehensive Water Resources Management Plan ("CWRMP") to address issues relating to water supply and conservation, wastewater treatment and disposal, and stormwater management within the Ipswich River Basin. With Wilmington being a headwater community (to the Ipswich River Basin), wastewater exported out of the watershed is a concern as water withdrawals (without recharge) contribute to ecological stresses downstream along the Ipswich River. As such, the goal of the CWRMP is to implement a long-term plan to enhance recharge to groundwater and restore water balance within the Ipswich River Basin and maintain a base flow to the Ipswich River during times of drought. The CWRMP establishes "sewer" districts (where sewer connections are allowed) and a "non-sewer" district in an effort to limit sewer expansion (wastewater export) while balancing economic development and water quality goals within the Ipswich River Basin. We note that this property is located in the "non-sewer" district and is located within the Ipswich River Watershed.

The Executive Office of Energy and Environmental Affairs ("EEA") issued a certificate on the Final Environmental Impact Review ("FEIR") for the Town's CWRMP in July of 2006. In response to comments made by various stakeholders and State Agencies throughout the process, the FEIR/CWRMP further reduced the number of parcels within the "sewer" district by replacing a sewer area (identified as Phase IV) with a reserve allotment equivalent to 200 single family homes. The EEA's Certificate states, *"As currently proposed, a reserve sewer allotment, equivalent to the total wastewater flows of 200 single-family houses, will replace the proposed Phase IV sewer area. This reserve sewer allotment, to be administered by the Wilmington's Board of Water and Sewer Commissioners, and the Board of Health, may be applied to office, commercial, industrial, and municipal developments, as well as residential developments...Project proponents will need to satisfactory demonstrate to Wilmington officials and DEP that the need for sewer exists, and that no other viable wastewater treatment and disposal options exist."*

The PEL application states that a municipal sewer connection will service the development. However, the proponent has not demonstrated that no other viable wastewater treatment and disposal options exist onsite in an effort to limit wastewater being exported from the Ipswich River Basin. Conversely, the applicant's engineer has commented positively on the soils located on the site, which appears to be geologically conducive to on-site sewage disposal. The Town will expect the applicant to demonstrate why onsite sewage disposal is not possible.

Utilities and Stormwater

The PEL application incorrectly states that sewer is available to the site; sewer does not exist along Nichols Street. In conversations, including the site visits held by MassHousing, the applicant's representatives have stated that the existing sewer in Shawsheen Avenue will be extended to Nichols Street to service the site. Should the Applicant show that on-site sewage disposal is not supported by the soils on the site, the sewer extension details should be provided for review by the Town and the Town's sewer consultant. A sewer capacity analysis will be necessary to determine if a sewer extension is feasible, and the extent of offsite sewer mitigation necessary (if any) by the Developer to meet their project demand.

The proponent will need to determine if adequate water pressure and flow exists for the Project's demand. Typically, proponents for new development projects are required to contact the Town's Water Consultant, Kleinfelder, to complete a hydraulic analysis study at the proponent's expense. This analysis is necessary to determine the offsite domestic water/fire protection mitigation necessary (if any) by the Developer to meet their project demand.

A Stormwater Management Report including any calculations, computations, pre and post development hydrological models, and watershed maps must be provided during the review of the project to demonstrate compliance with the MassDEP Stormwater Policy (the "Policy").

As noted previously, this project site is in the Ipswich River Watershed. Further, a large portion of the project site is considered protected resource area under the Massachusetts Wetlands Protection Act (the "Act"). As such, the Town requests the proponent comply with the Town of Wilmington Comprehensive Stormwater Management By law and Regulations. The Town's local regulations were established to ensure peak attenuation, water quality and adequate stormwater recharge is provided for all new development projects to protect the Town's groundwater aquifer and most valued resource areas.

The plan set does not detail how stormwater management design will meet either local or State Policy. Considering the clear and obvious challenges that the previously withdrawn five-unit development encountered meeting stormwater standards, it is unclear how stormwater standards and regulations will be met with the current twelve (12) unit proposal.

Mr. Michael Busby

- 6 -

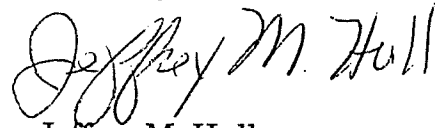
September 2, 2022

Resident Comment Letters

Attached to this letter you will find comment letters from the Wilmington community regarding concerns about the proposed 40B development at 79 Nichols Street. Please take all of the comments into consideration during your review.

Thank you again for the opportunity to comment on this project. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey M. Hull". The signature is written in a cursive style with a large, stylized "J" and "H".

Jeffrey M. Hull
Town Manager

cc: Board of Selectmen
Valerie Gingrich, Planning & Conservation Director

August 14, 2022

Valerie Gingrich
Director of Planning & Conservation
Town Hall
121 Glen Road
Wilmington, MA 01887

Dear Ms. Gingrich,

We, Cagri Dagli and Renee Smith of 12 Jaques Lane, in order for the Town to prepare the most informed comment to MassHousing regarding the revised 79 Nichols/Baldwin Landing 40B development application, strongly urge the Town to:

1. Reject the false claims made by the proponents in support of their eligibility for Sustainable Development as defined by MassHousing in the development application.
2. Reject the proponents' characterization of development constraints of the site in the development application.
3. Use all available means to obtain additional, clarifying information from the proponents as to how the proposed development will affect the neighborhood, community and Town.

As concerned abutters, we have been actively and continuously following the proponents' various attempts to develop the property, attending Planning Board meetings since the original development proposal (2018) and providing public comment. Our property abuts the northeast side of the site. Though we are encouraged by the proponents' revised development plan, we are **not satisfied with the information provided by the proponents** in their Comprehensive Permit Site Approval Application.

As outlined below, the proponents make provably false claims to sustainable development eligibility, mischaracterize site characteristics and constraints and fail to provide adequate information about the impacts of the proposed development to the neighborhood, community and Town.

False Claims for Meeting MassHousing Sustainable Development Criteria

As described in the *Sustainable Development Criteria Scorecard* section of the application, the Commonwealth requires proposed 40B developments meet sustainable development criteria and provide applicants either of two methods by which to meet these requirements, *Method 1* and *Method 2*. The proponents chose *Method 2* which requires applicants meet a minimum of *five (5)* of the Commonwealth's nine (9) *Sustainable Development Principles* as outlined in the scorecard questionnaire detailed in Pages 20-24.

Through their responses, the proponents claim they meet six (6) of the nine (9) requirements, however all, or parts of, three (3) of these claims are provably false. **If these claims are rejected, the proposed development will fail to meet at least five (5) of the MassHousing Sustainable Development Criteria.** The three false claims are outlined below:

(1) Concentrate Development and Mix Uses

- The proponents respond “Yes” to the question:
Mixes uses or adds new uses to an existing neighborhood

In the *Explanation* section, they elaborate:

“Mixed use of single family detached units and one multi-family duplex structure”

Massachusetts General Laws c.40R § 2 defines “mixed use development” as:

“.. a development containing a mix of residential uses and non-residential uses, including, without limitation: commercial, institutional, industrial or other uses; all conceived, planned and integrated to create vibrant, workable, livable and attractive neighborhoods.”

This is a false claim. The proponents' reasoning for their claim of mixed use is the fact they propose constructing two different types of buildings: single family and multi-family dwellings. As defined by the General Laws, however, both building types will be used for residential use only. As there is only a single use, the proposed development cannot be mixed-use as defined by Massachusetts General Laws.

- The proponents respond “Yes” to the question:
Reuse existing sites, structured, or infrastructure

In the *Explanation* section, they elaborate:

“... The dwellings will use existing infrastructure.”

This is a false claim. As currently proposed, the new dwellings will require extensive additions to existing infrastructure, in particular for extending Town water, sewer and electric services into the currently undeveloped portion of the site.

(3) Protect Land and Ecosystems

- The proponents respond “Yes” to the question:
Eliminates or reduces neighborhood blight

In the *Explanation* section, they elaborate:

“The project includes the demolition of an abandoned house.”

Massachusetts General Laws c.121B § 1 defines “blighted open area” as:

“... a predominantly open area which is detrimental to the safety, health, morals, welfare or sound growth of a community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise...”

Massachusetts General Laws c.200A § 1 defines “abandoned property” as:

“property presumed unclaimed and abandoned pursuant to this chapter.”

This is a false claim. The site is absolutely not a blighted area as defined by the General Laws. There is no detriment to the “*safety, morals, welfare or sound growth*” of the community due to the undeveloped land on the site. The undeveloped area is a stable forest ecosystem surrounding protected wetlands.

Further, the site is not “*unduly costly*” to develop “*soundly through the ordinary operations of private enterprise*” as is evidenced by the proponents’ original petition (2018) to develop the site as a Conservation Subdivision Plan wherein they proposed constructing five single-family homes while conserving the undeveloped portion of the site **in perpetuity**.

Further still, the property referenced in the proponents’ response to this question is absolutely **not abandoned**. It is owned, since 2016, by Golden Realty Trust who is the primary applicant for the 40B development.

Finally, if there is any validity to the claims of “*blight*” or “*abandonment*,” it is due to Golden Realty Trust’s years of inattention to the property since its purchase in 2016.

(6) Provide Transportation Choice

- The proponents respond “Yes to the question:
*For **rural areas**, located in close proximity (i.e. approximately one mile) to a transportation that provides access to employment centers, retail/commercial centers, civic or cultural destinations [emphasis added]*

In the *Explanation* section, they elaborate:

“Site is within 1 miles of Route 129.”

This is a false claim. Wilmington, Massachusetts is **not a rural town** as defined by the Commonwealth’s Rural Definition Detail document [1] nor does it appear in the Massachusetts Rural Town List (version 3.2017) [2]. Accordingly, the above question is not applicable to the application in question.

Inaccuracies in Description of Site Characteristics and Development Constraints

We strongly encourage the Town to solicit further information and/or clarification from the proponents regarding the following responses in their Comprehensive Permit Site Approval Application:

- In the *Site Characteristics and Development Constraints* questionnaire on Page 8, the proponents respond “No” to the question:
Is the site, or any portion thereof, located within a designated flood hazard area?

This claim needs further clarification. According to the Town’s GIS mapping, portions of the site are designated FEMA Flood Zone X. Two of the proposed units overlay this flood zone area. Will the proponents be required to adjust their plan to account for this fact?

Further, how will the proposed development change the potential flood hazard risk for the surrounding neighborhoods? What is the likelihood the development of the site will result in a re-designation of the flood risk of surrounding neighborhoods? Will there be a study to determine whether this is a probability?

- In the *Site Characteristics and Development Constraints* questionnaire on Page 8, the proponents respond “No” to the question:

Has the site or any building(s) on the site been designated as a local, state or national landmark?

The site abuts the Middlesex Canal whose preservation is overseen by the Middlesex Canal Commission. Have they been notified of the development proposal and have officers had the opportunity to comment?

- In *Section 4: SITE CONTROL* on Page 11, the proponents respond “No” to the question:
Will any easements or right of way over other properties be required in order to develop the site as proposed?

In previous development plans, the proponents have proposed connecting to Town water and sewer services via easements through properties on Jaques Lane. Will this be the case for this development plan also? Which properties will be affected? When will property owners be notified? Will there be studies to determine how the increased demand from the proposed development will affect the Jaques Lane neighborhood?

Areas for Clarification and Additional Information

Additionally, we urge the Town to communicate to MassHousing additional impacts this development would have on the neighborhood and Town for issues including, but not limited to: Traffic, Sewer and Wastewater, Ecology and Wildlife Conservation, Public Safety and Historical Preservation (proposed development abuts the Middlesex Canal).

Though we are encouraged by the proponents’ revised proposal, many claims remain unchallenged and questions unanswered. In order to minimize the potential negative impacts this development could have on our neighborhood, community and Town, we again urge the Town to challenge the proponents’ claims and obtain as much clarifying information as possible before submitting a response to the proposal to MassHousing.

Sincerely,



Cagri Dagli & Renee Smith
12 Jaques Lane
rsmithdagli@gmail.com
charliedagli@gmail.com
408-368-3398
217-778-5722

Enclosures: Letter to the Town Re: 79 Nichols Development Plan from C. Dagli & R. Smith (11 June 2022)

References:

- [1] <https://www.mass.gov/doc/rural-definition-detail-0/download>
- [2] <https://www.mass.gov/doc/massachusetts-rural-towns-list/download>

June 11, 2022

Valerie Gingrich
Director of Planning & Conservation
Town Hall
121 Glen Rd.
Wilmington, MA 01887

Dear Ms. Gingrich,

We, Cagri Dagli and Renee Smith of 12 Jaques Lane, strongly urge the Town to recommend MassHousing encourage the proponent of the 79 Nichols/Baldwin Landing project to re-submit a plan that better reflects the Commonwealth's guidance on 40B development.

As concerned abutters, we have been actively and continuously following the Proponent's various attempts to develop the property, attending Planning Board meetings since the original development proposal (2018) and providing public comment. Our property abuts the northeast side of the site and would be, given the current plan, directly behind the proposed multi-level apartment building and its parking lot.

As set forth in the Commonwealth's implementing regulations, 760 CMR 56.04(4)c, the factors that define appropriateness for a 40B development include:

"that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into the existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);" [emphasis added]

The regulations outlined in 760 CMR 56.04(4)b and 760 CMR 56.04(4)c are further interpreted in the Commonwealth's *Handbook: Approach to Chapter 40B Design Review* (the Handbook), which offers specific considerations for assessing how effectively a proposed project would integrate into the existing neighborhood.

Given the above requirements and considerations, **the current design is not appropriate for the site.**

As regards *Site Appearance*, the Handbook advises:

"The scale of a structure should be compatible with the surrounding architecture and landscape context."
[page 25]

"The height of the proposed buildings should generally be compatible with the surrounding buildings and structures." [page 25]

"The character, layout and general composition of the site ... should be generally consistent with the existing building patterns in the surrounding area." [page 29]

The proponents propose a multi-level apartment building as tall, or taller, than any building in Town in a neighborhood of approximately 200, predominantly, single-family homes.

As regards *Natural Cover*, the Handbook advises:

"... existing, natural cover of trees and shrubs on a site may provide a desired landscape buffer."
[page 30]

The proponents propose a design where buildings are forced towards abutters property lines to avoid development of protected wetlands making the possibility of adequate landscape buffering extremely difficult.

As regards, *Topography*, the Handbook advises:

"Topographic contours can provide opportunities for mitigating the bulk of a building," [page 30]

The proponents propose a multi-level apartment building which will exceed the height of many of the existing trees on the site as well as the homes of the abutters.

As regards *Access Management*, the Handbook advises:

"...consideration should be given to possibilities for improvements to pedestrian and vehicular circulation in relation to existing building patterns in the surrounding area." [page 30]

The proponents propose introducing 20 units worth of vehicular traffic into an already congested thoroughfare. By comparison, previous plans for the site submitted to the Town by the proponent in their previous petitions contained only 5 units.

As regards *Parking & Circulation*, the Handbook advises:

"... consideration should be given to on-site parking and circulation as it relates to the surrounding area."
[page 30]

The proponents propose 20 units with four driveways and a 31 space parking lot on a total of approximately 1.5 acres of developable land.

As regards *Buffering Techniques*, the Handbook advises:

"The site landscaping and grading can be designed to soften the visual impact of a project." [page 26]

"Existing Significant Trees and Shrubs – should be maintained to the maximum extent possible."
[page 31]

"Private Frontage landscaping along the perimeter of the lot is an effective design tool when buffering a development from the surrounding area is necessary." [page 31]

"Portions of the interior parking area should be landscaped, and planting along the perimeter can be effective in reducing the visual impact on the area when necessary." [page 31]

"Stormwater should be sufficiently controlled and treated by either conventional methods or by evolving Low Impact Design techniques such as rain gardens, vegetative swales, bio-retention, filter strips, and previous pavers." [page 31]

"Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures should be screened from view of residents on abutting properties and streets using plantings, fences and other methods." [page 31]

The proponents propose a design where buildings are forced towards abutters property lines to avoid development of protected wetlands. The current design makes implementing any of the above guidelines extremely difficult. The negative consequences of this will be acutely felt by those abutters near the 31 space parking lot which, in the current design, does not afford enough buffer space for blocking light (e.g. building lights, parking lot lights, vehicular headlights, etc.) and noise.

Further, we urge the Town to communicate to MassHousing additional impacts this development would have on the neighborhood and Town for issues including, but not limited to: Traffic, Sewer and Wastewater, Ecology and Wildlife Conservation, Public Safety and Historical Preservation (proposed development abuts the Middlesex Canal).

Provided it is done responsibly, the residents of the neighborhood do not oppose 40B development of the site. **However, the current plan is irresponsible.** It does not meet the Commonwealth's requirements and if implemented as proposed would negatively impact our neighborhood, community and Town.

We urge in the strongest terms the Town recommend MassHousing reject the current proposal.

Sincerely,



Cagri Dagli & Renee Smith

12 Jaques Lane

rsmithdagli@gmail.com

charliedagli@gmail.com

408-368-3398

217-778-5722

MIDDLESEX CANAL COMMISSION

I am writing to express my strong disapproval of the manner in which 79 Nichols Street, the former home of Carolyn Osterberg, is being over developed as a 40B project.

I first met Carolyn 20+ years ago when it became apparent that she owned a long stretch of the Middlesex Canal along her property. She was an active member of the MCA and frequently docented at our Museum there. When she originally bought the property there were insufficient funds to buy a car and she walked twice a day to/from the train station to ride into Boston where she worked at John Hancock as an insurance adjuster. She loved her home in the woods and would much prefer to still be there. Currently she resides in a Senior Center in Andover in a ward with dementia patients. Life is not always kind.

My long term interest in the area was to make a walkway from Lake Street to Nichols Street along the Canal thereby connecting the two streets. I worked with the developer, Stuart, from Lake Street to the back of Carolyns' property to complete the first half of the walk. He named the Street, Jaques Lane. after the Wilmington resident , Samuel Jaques, who followed Loammi Baldwin in leadership of the Middlesex Canal Corporation. Mr Jaques resides in the Wilmington cemetery where his tomb stone is near the path for all to see.

Nichols Street was a very important area. The Middlesex Canal was build on nine levels as the lands surface dropped 27ft to Charlestown. A lock was placed when a decline of 8ft was met. The first level and the longest began at the Merrimack River and ended at Nichols Street. At this area all the Wilmington produce that was brought down the canal was deposited. There was a building there for storage as boats saddled up to the wharf to exchange cargo. Wilmington's crop was hops. While the primary drink of Massachusetts residents was fermented cider, hops and beer production was secondary in our area - so most of the crop was sent down to NYs Knickerbocker area where beer prevailed. The stone walls of the lock are still there. I proposed signage to be placed there for our residents to read. The first developers agreed to finance this endeavor. I still hope to tell the story of this amazing endeavor.

This Spring I was approached by elder care attorney, Karol Bissbee, who felt that Carolyn was declining. She wanted to have a bench placed along the canal in memory of Carolyn. I took her to Carolyn's home area but things were unsettled and she wanted a set place before Carolyn passed on. A small bench is now on our property near Butters Row in memory of Carolyn Osterberg. She lives today.

My hope is that we can complete the walkway to connect Lake and Nichols Street along the Middlesex Canal. It is a unique opportunity.

Betty M Bigwood
Middlesex Canal Commission
300 Chestnut Street

Wendy Martiniello

From: Bill Nolan <williamcnolan@yahoo.com>
Sent: Wednesday, August 3, 2022 1:58 PM
To: Wilmington Manager's Office
Subject: [EXTERNAL] Proposed 40B project located at 79 Nichols Street

Good afternoon,

On July 21, my wife and I were made aware of the revised plan for the affordable housing development at the above referenced address, which has also been submitted to MassHousing. We have resided at 104 Nichols Street for 49 years and raised our family in this neighborhood. It appears that the applicant's proposal will now include 12 single family homes, of which 10 will be detached dwellings together with one duplex unit. The composition of the proposed development will have 9 units priced at market and 3 units deemed affordable. Site work will include a roadway with a cul-de-sac, as well as it being serviced with municipal water and sewer, which are both noted as being available according to the MassHousing application.

We are adamantly opposed to this proposed development due to increased traffic on an already extremely busy street. Also, we site public safety issues regarding pedestrian traffic, which would include school children on their way to and from the Shawsheen Elementary School, students being picked up and dropped off by school buses and emergency vehicles attempting to enter-exit the site. The traffic island located at the end of Nichols Street would also be impacted regarding additional traffic flow onto Route 129.

The site has vegetated wetlands that would be negatively impacted by any water runoff created by the driveways, the cul-de-sac and the roadway, notwithstanding the concerns over flooding. Emergency vehicles would have a difficult time navigating the roadway and cul-de-sac due to not only the vehicles being parked and associated with the dwellings but any visitor parking, especially on the cul-de-sac.

Regarding the municipal sewer system noted by the applicant, it is stated as being available. If the intent is to access wetlands to install a sewer system for this development, that is another negative aspect to this project. Given that, there would have to be on site wastewater systems, which would further negatively impact the drainage issues to the environmentally sensitive wetlands.

We don't support this project in any manner and we will be attending the meeting on Monday August 22 at 7 PM to further discuss this proposed development.

Very truly yours,

William C. Nolan, Jr.
104 Nichols Street
Wilmington, MA

Ann M. Nolan
104 Nichols Street
Wilmington, MA

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From: japettig@aol.com <japettig@aol.com>

Sent: Friday, August 26, 2022 11:28 AM

To: Selectman Judy O'Connell <joconnell@wilmingtonma.gov>; Selectman Kevin Caira <kcaira@wilmingtonma.gov>; Selectman Gregory Bendel <gbendel@wilmingtonma.gov>; Selectman Gary DePalma <gdepalma@wilmingtonma.gov>; Selectman Lilia Maselli <lmaseili@wilmingtonma.gov>
Subject: [EXTERNAL] 79 Nichols St

Dear Board of Selectmen members,

My name is Karen Pettigrew, 4 Flagstaff Rd. I have lived in this neighborhood for 33 years, and almost 40 years in Wilmington with my husband and have raised 3 daughters here.

I was involved with having sidewalks placed on Nichols when our girls were young and told our buses were gone for them on the street and they would have to walk. That was many years ago.

Nichols St. has continued to be a hazardous road drive and walk. The owners of homes on the road have aged, and it is scary watching them trying to cross the road to get their mail! Flagstaff Rd. is particularly dangerous because it is nearly a hidden street. Trying to drive onto Nichols is frightening when cars are speeding towards you, unable to see them till last second.

I wish now to express my dismay in the potential development that has been proposed for #79 Nichols. I don't feel it is an appropriate area to support this construction and place a strain on the town's resources.

We are opposed with the environmental aspect of building on wetlands and the destruction of wildlife habitat. We constantly see deer, now an increase in foxes and coyotes in this area. It is sad that these creatures have to leave their homes and dodge trains and traffic in this lovely town.

Please consider against this proposal for development.

Thank you
Karen and Jim Pettigrew

Kevin Donovan
16 Jere Road
Wilmington, MA 01887-1621

page 1 of 2
(+ attached enclosure)

August 1, 2022 (Monday)

Tom and Mary:

(Copies of this letter are being sent to 81 Nichols, 123 Nichols, Attorney Newhouse, and all listed in your letter.)

Thank you for the update on the 79 Nichols Street proposal. I live "off the grid" (no internet and no smart phone) for God, so I do not have access to anything online.

What type of proposal for 79 Nichols Street would be acceptable to you and the other neighbors? Or, do you all want the property to remain exactly as it is?

I am against the one duplex, but the new proposal is closer to what I would accept. Another street like Flagstaff would be fine with me. As far as I know, no one opposed Ohio Street, the large neighborhood across from 106 Nichols Street, Flagstaff, or Fifth Street and the connecting neighborhood. As long as the road and houses can fit in with the rest of the neighborhood, and as long as the wetlands are protected, a new street with a small number of houses would not bother me at all. How would all of you feel about this?

What about a select number of you meeting with Attorney Newhouse, Town Officials, and James Mangano / Holden Realty Trust to come up with a proposal that will work for everyone? Take control of this entire situation instead of

Kevin Donovan
16 Jere Road
Wilmington, MA 01887-1621

page 1 of 2

Agent:
8/9/2022 (Tuesday)
#2

August 9, 2022 (Tuesday)

Tom:

I'm sorry if my letter of August 1, 2022 seemed bossy or pushy. Please forgive me. Thank you!

I was not fully informed, or up to date, about all that had already happened regarding 79 Nichols Street. I did not attend the May 23 meeting and I could not see anything online about this.

Both of your letters to the Neighbors gave me the impression that you were opposed to any development at 79 Nichols. Your true objective or goal was not plainly stated. For example: You could have explained that "a street with 4 houses on $\frac{1}{3}$ acre lots would be acceptable" to you and all of the neighbors.

Your second letter could have included a brief summary of all that had happened, to date, with 79 Nichols, similar to what you detailed in your August 4, 2022 letter to me.

The meeting that I suggested in my letter of August 1, 2022 was a private meeting, not a town or Selectmen's meeting, if this would be allowed by all State laws and town laws, or rules.

If Mass Housing's development evaluation procedures and neighborhood design compatibility requirements were plainly written into Massachusetts Laws, stating plainly that

Tom O'Brien
124 Nichols Street
Wilmington, MA 01887

To:

8/19/2022 (Tuesday)

page 2 of 2

a new development in an existing neighborhood with 1,000 to 2,000 square foot, 3 to 4 bedroom homes, on $\frac{1}{3}$ to $\frac{1}{2}$ acre lots, must remain closely within those specifications, no one would have to worry about proposals of 4 story buildings in single family neighborhoods. I wonder what is already in Massachusetts laws regarding Mass Housing. The laws must allow for flexibility and exceptions, otherwise James Mangano and Attorney Newhouse would not have submitted proposals so different from the existing neighborhood.

The Town Of Wilmington should have informed all of the residents about 79 Nichole Street, and included a summary of the procedures, rules and laws pertaining to the step by step process Mass Housing, the Zoning Board of Appeals and the Conservation Commission must follow before any development proposal is accepted. The letter from Town Manager, Jeffrey M. Hall, should have been sent as soon as the Town was made aware of the initial proposal for 79 Nichole Street. It came late, on June 16, 2022.

I realized that all of the above should have been included in my letter of August 8, 2022, so I wrote this second letter. You do not have to keep responding. You must be busy with other things. Thanks again! Love, Kevin

From: [Contact form at Town of Wilmington MA](#)
To: [Valerie Gingrich](#)
Subject: [EXTERNAL] [Town of Wilmington MA] 79 Nichols St (Sent by Thomas O'Brien, taobrien@comcast.net)
Date: Tuesday, August 16, 2022 3:45:18 PM

Hello vgingrich,

Thomas O'Brien (taobrien@comcast.net) has sent you a message via your contact form (<https://www.wilmingtonma.gov/user/54/contact>) at Town of Wilmington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.wilmingtonma.gov/user/54/edit>.

Message:

As a 34 year resident of Nichols St, I am not opposed to the development of the property. In fact, I welcome it. The property has been vacant and unattended for seven years and has become a detriment to the neighborhood. However, I am opposed to the current proposal from James Mangano. The design does not adhere to the aesthetic principles of the neighborhood. Other areas of concern are the strain on town resources and environmental consequences, especially for the proposed "land swap" and potential flooding. There is also the matter of encroaching on a historic landmark. The greatest concern is, of course, the potential increase in traffic on a street that has become a very dangerous street to walk, drive and live on. The chances of more tragic situations, as occurred July 20, 2022 also increase exponentially. Twelve units means dozens more vehicles daily on an already high traffic street which narrows considerably as one travels north. A more reasonable proposal of three to four homes on lots comparable to the rest of the neighborhood would most likely meet with the approval of residents.

Thank you
Tom O'Brien
124 Nichols ST

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From: [Contact form at Town of Wilmington MA](#)
To: [Valerie Gingrich](#)
Subject: [EXTERNAL] [Town of Wilmington MA] 79 Nichols St (Sent by Thomas O'Brien, taobrien@comcast.net)
Date: Monday, August 29, 2022 1:18:59 PM

Hello vgingrich,

Thomas O'Brien (taobrien@comcast.net) has sent you a message via your contact form (<https://www.wilmingtonma.gov/user/54/contact>) at Town of Wilmington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.wilmingtonma.gov/user/54/edit>.

Message:

Ms Gingrich,

I would like to add the following to my previous correspondence concerning 79 Nichols St. A letter dated Sept 2 , 2022 from Mr Hull to Ma Housing addresses concerns the town has concerning the proposal:

"does not appear to meet at least five of Ma Housing's sustainable development principles" and no acknowledgement of the Middlesex canal and it's historic designation. Were these problems ignored by the proponents, or perhaps they were less than diligent in doing their homework? Either way, along with the absence of the proponents at the meeting Aug 22, when they could have discussed these issues, does it not call into question the integrity of said proponents?

Thank you

Tom O'Brien
124 Nichols St

This message is for the designated recipient(s) only. If you have received this message in error, please notify the sender immediately and delete the original. Please be advised that email is subject to the provisions of Massachusetts Public Records Law. MA G.L. c. 66.

Sincerely, Norman C. DeFilippo
83 Nichols St.
Wilmington, MA 01887
973-626-3268
Norman.defilippo@gmail.com

2-Sep-2022

Dear Massachusetts Housing Authority and Wilmington Selectmen:

Although I am happy with many of the changes for this particular 40B application, there are some issues that I am compelled to address: specifically, the potential for PEDESTRIAN FATALITIES OF SCHOOL CHILDREN and FLOODING concerns.

The 100 year retaining ponds that were added to this proposal are a welcome sight. This community is low lying and prone to flooding even after moderate rainfall. I am happy to see they were added, but I must stress that these retaining ponds MUST be built if this project moves forward. Directly across from the Shawsheen school, the walkway is sometimes flooded. If this is allowed to worsen and children are forced to walk in the street to avoid puddles, THIS COULD BE TRAGIC.

Speaking of tragedy, on July 20th a driver hit a 64-year-old woman walking on Nichols Street leaving her hospitalized with extensive injuries. Nichols Street is a heavily trafficked road and motorists routinely speed. Those of us who live closer to Shawsheen have grown accustomed to having drivers tailgate while we attempt to turn into our driveways. Placing a street in this area with 20 or 30 additional drivers will result in TRAFFIC ACCIDENTS if some remediation is not implemented. Addressing this issue is paramount because Nichols street's PROXIMITY TO THE ELEMENTARY SCHOOL in addition to the SEVERAL SCHOOL BUSTOPS ON NICHOLS STREET.

I thank you for your time, your consideration, and your service to our community.

Sincerely,

Norman C. DeFilippo