



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: North Wilmington MBTA Commuter Rail Station

In response to Board member inquiries about the status of the north Wilmington MBTA commuter station, the following information is provided.

Chief Mike Begonis chaired a meeting on July 18, 2018 at 1:00 pm to address the blockage of Route 62 by the commuter train. The meeting was held in the Public Safety conference room. Representatives from Keolis and the MBTA attended the meeting in addition to Brad Pett from Senator Bruce Tarr's Office, Selectman Greg Bendel, Selectman Ed Loud and Town staff including Fire Chief Joe McMahon, Public Works Director Mike Woods, Deputy Police Chief Bob Richter and myself. Representatives from Keolis and the MBTA included the following individuals:

|                                              |        |
|----------------------------------------------|--------|
| Richard Dean - VP of Service Delivery        | Keolis |
| Robert Huggan - Chief Transportation Officer | Keolis |
| Michael Rooks - Northside Superintendent     | Keolis |
| Corey Lynch - Director of Transportation     | MBTA   |
| Ryan Coholan - Chief RR Officer              | MBTA   |

Chief Begonis described the nature and frequency of the problem, the critical nature of the blockages which can delay emergency response services to the northern part of Wilmington.

It was noted at the time, that the rail engineer operating the train is unable to observe emergency apparatus approaching the rail crossing or activity on the crossing far enough in advance of the crossing to stop the train in advance of the rail crossing. The MBTA also acknowledged that the commuter station north of the crossing is not handicapped accessible and should be relocated further north along the tracks. The cost was expected to be several million dollars. There is no platform on the inbound or southeast bound side of the tracks.

At the conclusion of the meeting representatives from the MBTA and Keolis stated that train operators on the outbound tracks would be directed to pull beyond the rail crossing. However, they noted that when handicapped passengers are on board, the entire train could not be pulled completely beyond Route 62 because the rail car that provides seating for the handicapped passengers must line up at the platform. Commuter trains traveling inbound from Haverhill to Boston must stop at the rail crossing on Route 62 because there is no platform beyond the crossing to discharge or pick-up passengers.

Since that time, dispatch has been maintaining a log of each reported time that a commuter train idles across the Route 62 to discharge or pick-up passengers. That information is being forwarded to a representative with the MBTA. It is my understanding that the number of reported blockages caused by the outbound train has decreased since the August meeting. However, for the reasons previously noted the inbound train will continue to block Route 62 when it stops to discharge and pick up passengers.

Senator Bruce Tarr was able to have \$1.0 million included in an Economic Development Bond Bill that was signed by Governor Baker in August 10, 2018. The language in the funding is intended "*to be expended for improvements to commuter parking and other facilities for North Wilmington commuter rail station in the town of Wilmington.*" The Governor will be preparing his fiscal year 2020-2024 capital budget. At that time he will decide whether to include the funds for north Wilmington. I have contacted the Senator's Office to confirm when he will be making the decision about projects to include in that budget and the best time to submit letters of support for inclusion of the funding.

It remains unclear as to the total cost to construct a new platform north of Route 62 and a platform south of Route 62. If the MBTA does not have adequate property along either side of the crossing, there may be a need to acquire property or property rights for the platforms. My expectation is that the cost for construction of the platforms will be several million dollars. Once funding is made available, the project must be designed and placed out for competitive bids. Construction of these platforms is not likely to occur for several years.

  
Jeffrey M. Hull  
Town Manager

cc: Michael R. Begonis, Police Chief  
Joseph T. McMahan, Fire Chief  
Michael J. Woods, Public Works Director



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Butters Row Bridge Replacement

At the request of Chairman Cairra the Board is being provided with a status on plans to replace the Butters Row Bridge. The project has been delayed because railroad flagmen were not available to permit survey work to be completed. There is a statewide flagman shortage and many Massachusetts Department of Transportation (MassDOT) projects involving railroads have experienced the same issues. Recently flagmen were made available and Green International Affiliates, the engineering firm hired by MassDOT to complete the bridge design, was able to complete the field survey. Green is in the process of completing the base map which is required prior to the start of design.

Next, Green International will perform conceptual/preliminary design and obtain approvals for the bridge concept and roadway alignment from various MassDOT departments. Based on currently MassDOT approved schedule, Green anticipates completing preliminary design sometime next year. Once preliminary design is completed, Green will be seeking to come before the Board to provide an opportunity for review and comment on the preliminary design. This meeting could take place in mid to late fall of 2019. Comments from that meeting will be used to make revisions to the design plans which will lead to another appearance before the Selectmen to review plans. It is too soon to know when this second meeting with the Board will take place.

The plan is to coordinate the Butters Row Bridge work with work on the bridge near Town Park on Route 38 but details have not been discussed because construction of both bridges are still a few years away. Currently MassDOT's schedule calls for the Butters Row Bridge project to be advertised in 2021, but that date is subject to change.

Jeffrey M. Hull  
Town Manager

cc: Michael Woods, Public Works Director



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Results of Annual Town Meeting Survey

Attached are the results of the survey that was conducted to gather the opinion of residents about the barriers to participating in Annual Town Meeting and preferred times for conducting Annual Town Meeting. You will note that 479 individuals responded to the survey, 477 of whom are residents. Survey participants were given the opportunity to select more than one response to many of the questions. As a consequence you will note that the percentages exceed 100%. Points that stood out for me are:

1. Responses were nearly 50/50 as to whether they would attend a Saturday Annual Town Meeting.
2. Attendance multiple nights in a week were nearly 57% in favor and 43% opposed.
3. Respondents indicated a greater preference to attend a meeting during weeknights over multiple weeks. (69.30% Yes & 30.70% no)
4. The fourth Saturday in April and first Saturday in March garnered the most votes for both Saturdays and weeknights.
5. Respondents are clearly frustrated with the length of time of the Annual Town Meeting.
6. A significant number of respondents do not like the random selection and would prefer predictability with respect to knowing when articles will be selected for discussion.
7. Some respondents suggested a preference for voting electronically from home which is currently not permissible by state law.

The survey was intended to provide Board members with a sense of what residents are thinking with respect to the conduct of Annual Town Meeting. Clearly, the sample size is small but there are some underlying themes. You will recall that the Board was called upon to place an article on the Annual Town Meeting warrant to change the meeting date from a Saturday to weeknights.

While there was some preference expressed to hold the meeting in March, as was previously noted, a March meeting would greatly increase the challenges of estimating revenues and expenditures. Currently, budgets are submitted in early December anticipating costs seven to nineteen months into the future. A March Annual Town Meeting would require that the Town Manager submit the proposed budget in December meaning department heads would need to estimate their expenditures in late September or early October for a fiscal year that begins 9 months later and concludes 21 months following budget submissions. State aid discussions in the legislature would not have begun at that point.

  
Jeffrey M. Hull  
Town Manager

Enclosure

cc: Sharon A. George, Town Clerk  
Michael Morris, Town Accountant  
Pamela L. MacKenzie, Treasurer/Collector



## GREEN INTERNATIONAL AFFILIATES, INC.

239 LITTLETON ROAD, SUITE 3 WESTFORD, MA 01886

T: (978) 923-0400 | F: (978) 399-0033 | WWW.GREENINTL.COM

### MEMORANDUM

**To:** Mr. Jeffrey M. Hull, Town Manager, Town of Wilmington  
**From:** Ko Ishikura, P.E., President, Green International Affiliates, Inc.  
**Date:** December 3, 2018  
**Project Name:** Yentile Farm Recreational Facility  
**Subject:** Silver Winner - ACEC/MA 2019 Engineering Excellence Awards

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I am pleased to inform the Town of Wilmington that the Yentile Farm Recreational Facility has won a Silver Award in the 2019 Engineering Excellence Awards (EEA) competition held by the American Council of Engineering Companies of Massachusetts (ACEC/MA). Within the engineering profession, the EEA program is a highly regarded and prestigious award competition, recognizing infrastructure projects that demonstrate a high degree of achievement, value and ingenuity. Being selected for this honor is a significant accomplishment since, in the past, the competition has included overseas projects and massive transportation and other infrastructure projects with project values ranging upwards of hundreds of millions of dollars.

This year 32 projects were submitted for consideration. Green submitted the Yentile Farm Recreational Facility project because of the interesting engineering aspects of the site design and the fact that it transformed a previously abandoned property to a now vibrant community space.

Entrants are rated by an independent panel of judges from the architectural community, the construction industry, academia, the media, and the public sector on the basis of the following criteria:

1. Uniqueness and/or innovative applications of new or existing techniques
2. Future value to the engineering profession and perception by the public
3. Social, economic and sustainable development considerations
4. Complexity
5. Successful fulfillment of client/owner needs

In all, the organization awarded five Gold awards and ten Silver Awards. The project's Silver award will be presented to Green and the Town of Wilmington at the Engineering Excellence Awards Gala to be held on the evening of March 20, 2019 at the Royal Sonesta Hotel in Cambridge, MA.



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: FY 2020 Budget Process

The Town Manager's Act requires that the operating budget be presented to the Selectmen ninety (90) days prior to Annual Town Meeting which is set for May 4, 2019. The budget process for FY 2020 is well under way. Updated capital improvement requests were submitted by November 2nd and operating budgets were due by December 3rd.

Capital items are considered to be goods and services that cost at least \$20,000 and have a useful life of at least three (3) years. The Town maintains a capital improvement plan (CIP) which takes a five (5) year look at large scale needs of the Town. Examples of capital items include public works dump trucks, police cruisers, ambulances, street paving, window and roof replacements and school mini-vans.

Operating budgets are comprised largely of employee costs including wages and benefits most notably health insurance and retirement contributions. Currently the Town is working to conclude three collective bargaining agreements with three more collective bargaining agreements due to expire on June 30, 2019. Bargaining is expected to begin soon with the unions with expiring contracts. The School Department must also deal with employee wages, special education and transportation costs to name a few.

The Town is in excellent financial condition and well prepared for the next economic downturn. Additionally, there is a clear recognition that, with the exception of the High School, Middle School and Public Safety Building, most buildings are 50 years old or older and will require replacement or significant modifications. Multiple intersections throughout Town require upgrades to service current traffic volumes and meet current standards. The growth in business on Ballardvale Street, the increased residential population off Andover Street and the challenges posed by the north Wilmington MBTA commuter rail station require attention to establishing a substation in north Wilmington. Use of free cash and the capital stabilization fund will reduce borrowing costs.

As the challenging process of creating a blueprint for the upcoming fiscal year begins, I am interested in receiving feedback from Board members with respect priorities and expectations. You are encouraged to offer your comments during the Selectmen's meeting on December 10<sup>th</sup>.

  
Jeffrey M. Hull  
Town Manager

cc: Michael Morris, Town Accountant



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Status of Russell Disposal Performance Bond

There has been no change with respect to the status of the performance bond required to be in place from Russell Disposal, Inc. They have indicated that they do not anticipate obtaining a performance bond in the near term. Mike Woods, Public Works Director, continues to monitor their service. The company continues to collect solid waste, recyclables and yard waste consistently. While there are periodic calls about a missed collection or barrels that are not reset upright in the same location at the curb, their service has been consistent and, generally speaking, good.

The Town will continue to monitor the market conditions and will continue to inquire about obtaining a performance bond. As noted in previous status reports, this should be the Town's response for the time being. A recent consultation with the other two communities in eastern Massachusetts being served by Russell for recycling collection reveals that they also remain without performance bonds and are taking the same approach.

  
Jeffrey M. Hull  
Town Manager

cc: Michael Woods, Public Works Director



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION


FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Automatic External Defibrillator (AED) at Town Parks

Several months ago the Board directed me to investigate the installation of AEDs at the Town parks and ballfields. Multiple conversations took place with Fire Chief Joe McMahon and Recreation Director Karen Campbell. There is no viable way to ensure that AED devices can be available at Town parks and ballfields. These devices must be stored in a climate controlled setting to ensure that the batteries have sufficient charge and that the unit performs properly. Additionally, since they would need to be easily accessible to the general public, locating them outdoors at parks or ballfields also raises the very real possibility that the units will be stolen or vandalized. As a consequence, the Town has not taken any action to purchase and install AED devices at town parks and ballfields.

  
Jeffrey M. Hull  
Town Manager

cc: Joseph McMahon, Fire Chief  
Karen Campbell, Recreation Director





# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Replacement of Fire Pumper

Initial efforts to pursue the purchase of a new fire pumper through a state purchasing consortium were halted when it became clear that in order to use trade-ins to offset the cost of the vehicle purchase, the specifications prepared by the consortium needed to include acceptance of trade-ins. The Town has identified a consortium, The Houston-Galveston Area Council (HGACBuy) which has bid fire apparatus and included in their specifications that trade-ins are accepted.

The Town is now seeking to join this consortium to purchase a fire pumper to replace the 2002 Pierce fire pumper that has been sidelined due to excessive frame rot. This vehicle was included in the Capital Improvement Plan for replacement in Fiscal 2020. Numerous other Massachusetts municipalities are members of this consortium and have made a range of purchases.

The current plan is to meet with the Finance Committee on December 18<sup>th</sup> to seek a transfer of funds from their reserve account. The price of the new fire pumper after trade-in is expected to be just under \$600,000 which is the amount in the reserve account. If the Finance Committee approves the request, a contract will be entered into with the Hopkinton vendor who sells and services the model that is on the HGACBuy bid list. The expectation is that the vendor will provide a loaner fire pumper during the eight (8) to ten (10) months required to build the fire truck.

  
Jeffrey M. Hull  
Town Manager

cc: Michael Morris, Town Accountant  
Joseph McMahan, Fire Chief



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

December 7, 2018

TO: Board of Selectmen

RE: Inclusionary Housing By-Law

Valerie Gingrich, Planning & Conservation Director, has discussed the attached proposed Inclusionary Housing by-law with the Planning Board at their meeting on December 4, 2018. She will be making arrangements with WCTV for a time on their broadcast to explain the elements of this proposed by-law. This draft by-law will be posted on the Town's website. Additionally, a press release will be issued. Ms. Gingrich will be presenting the proposed by-law to the Board of Selectmen at your January 14, 2019 meeting.

  
Jeffrey M. Hull  
Town Manager

Attachment

## SECTION ##: INCLUSIONARY HOUSING

### Purpose and Intent

The purpose of this Inclusionary Housing Bylaw is to:

1. Expand and diversify the Town of Wilmington's housing stock to provide more varied housing options;
2. Increase the supply of housing that is affordable to low-income households;
3. Develop and maintain housing that is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

It is the intent of this Section that affordable housing units qualify for inclusion in the Chapter 40B Subsidized Housing Inventory (SHI) under the regulations and guidelines of the Massachusetts Department of Housing and Community Development (DHCD). It is the intent that all housing will comply with federal and state fair housing laws.

### Definitions

In this Section the following terms shall have the following meanings:

**Affordable Housing Units** – Housing units that are restricted for sale or rent to individuals and families within specific income ranges and sales prices which meet the DHCD and M.G.L. Chapter 40B Subsidized Housing Inventory.

**Applicant** – A person as hereinafter defined who applies for the approval of a plan of a subdivision or development. "Applicant" shall include an owner, or his/her agent or representative, or his/her assigns.

**Area Median Income** – The median income for households within the designated metropolitan statistical area that includes the Town of Wilmington, as reported annually and adjusted for household size by the United States Department of Housing and Urban Development for the Boston Metropolitan Statistical Area.

**Board** – Town of Wilmington Planning Board, who shall serve as the Special Permit granting authority for applicable developments and conditions of said developments herein.

**DHCD** – Massachusetts Department of Housing and Community Development.

**Eligible Household** – Any household whose total income is at or below eighty percent (80) percent of the area median income adjusted for household size.

**Local Initiative Program (LIP)** – A program administered by the DHCD pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in M.G.L. Chapter 40B, Sections 20-23.

**Low-Income Household** – Household with income that does not exceed eighty (80) percent of the area median income adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.

**Market-Rate Housing Units** – Housing units that are not restricted to certain rent or sale prices.

**M.G.L.** – The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation or particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

**Off-Site Unit** – An affordable housing unit produced by the applicant on a site other than the primary residential development in compliance with Section ## [off-site].

**Subdivision** – Any subdivision as defined in the Subdivision Control Law (M.G.L. Chapter 41, Sections 91K-GG), or any division of land under M.G.L. Chapter 41, Section 81P, into lots for residential use, and as defined in the Town of Wilmington Subdivision Rules and Regulations.

**Subsidized Housing Inventory (SHI)** – The DHCD Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

**This Section** – The current Section ## of the Town of Wilmington Zoning Bylaws in its entirety.

**Town** – The Town of Wilmington.

**Very Low-Income Household** – Household with income that does not exceed fifty (50) percent of the area median income adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.

### **Applicability**

This Section applies to construction of at least eight (8) new dwelling units in the Neighborhood Mixed Use District or Central Business District.

New residential development in a Conservation Subdivision Design can provide affordable housing units should the applicant volunteer, and therefore be subject to this Section.

Developments may not be segmented or phased to avoid compliance with this Section. Unless otherwise directed by the Board as a condition of approval, all affordable housing units shall be developed/provided concurrently and proportionately with the development of market-rate housing units. Willful evasion of this Section is prohibited. Willful evasion is defined as follows: segmenting land or properties over any five-year period with the intention of avoiding inclusionary housing requirements by either subdividing one parcel of land into two parcels of land or purposefully dividing a project that would be subject to this Section into phases in such a way that would not result in the creation of affordable housing units.

A Special Permit and Building Permit will not be issued for a development subject to this Section unless the applicant provides the percentage of the total dwelling units in the development as affordable housing units as described herein.

### **Provision of Affordable Housing Units**

Affordable housing units shall be provided at minimum for low-income households, and providing housing units for very low-income households is strongly encouraged when possible. Nothing in this Section shall preclude an applicant from providing additional affordable housing units, or greater affordability, or both, than the minimum requirements.

### **Percentage Requirement**

In any development subject to this Section at least fifteen (15) percent of the dwelling units shall be affordable to eligible households. The affordability requirements of this Section do not apply to density bonus unit(s) (Section xx).

In the event that a development providing on- or off-site units has a fractional affordable housing unit of 0.5 or greater, it shall be rounded up to the next whole number. In the event that the fractional affordable housing unit is less than 0.5, the applicant may choose whether or not to round up to the next whole number.

**Density Bonus**

The Board may allow an increase in the total number of market-rate housing units by a number equal to the required affordable housing unit(s), not to exceed ten (10) bonus market-rate housing units. The allowed units per acre or lot coverage may be increased, and/or open space may be reduced by the amount necessary to permit the bonus market-rate housing units. The affordability requirements of this Section do not apply to density bonus unit(s).

| Total Number of Housing Units Proposed | Number of Affordable Housing Units Required | Number of Market-Rate Housing Units | Bonus Market-Rate Housing Units | New Total Market-Rate Housing Units (with Bonus) | New Total Units (Market-Rate & Affordable) | Effective Affordable Housing Unit Percentage |
|----------------------------------------|---------------------------------------------|-------------------------------------|---------------------------------|--------------------------------------------------|--------------------------------------------|----------------------------------------------|
| 8                                      | 1                                           | 7                                   | 1                               | 8                                                | 9                                          | 11.1%                                        |
| 12                                     | 2                                           | 10                                  | 2                               | 12                                               | 14                                         | 14.3%                                        |
| 15                                     | 2                                           | 13                                  | 2                               | 15                                               | 17                                         | 11.8%                                        |
| 20                                     | 3                                           | 17                                  | 3                               | 20                                               | 23                                         | 13%                                          |
| 25                                     | 4                                           | 21                                  | 4                               | 25                                               | 29                                         | 13.8%                                        |
| 30                                     | 5                                           | 25                                  | 5                               | 30                                               | 35                                         | 14.3%                                        |

**Methods of Providing Affordable Housing Units**

On-site units are the preferred method of providing affordable housing units under this Section.

As an alternative to on-site provision of affordable housing units, an applicant subject to this Section may be also allowed by the Board as part of the Special Permit to develop, construct, rehabilitate or dedicate affordable housing units off-site, only in unique and extraordinary circumstances, for which the applicant must provide a narrative to meet this criterion.

All requirements of this Section that apply to on-site provision of affordable housing units shall apply to provision of off-site affordable housing units, with the exception of Section XX [design standards when reusing existing home].

**Siting and Design**

**Siting and Type of Affordable Housing Units**

On-site affordable housing units constructed or otherwise provided under this Section shall be proportionately distributed throughout the project in terms of both location and unit size/type. For example, a development consisting of a mix of single-family homes, townhouses, and a small apartment building shall include affordable housing units of each housing type. On-site affordable housing units shall also, on average, be as accessible to common amenities, such as open space or services, as the market-rate housing units in the same development.

Applications to the Planning Board shall include a plan showing the proposed locations of the affordable housing units.

**Minimum Design and Construction Standards**

On- and off-site affordable housing units shall comply with the DHCD LIP's minimum design and construction standards for SHI as they may be amended. Requirements for the following conditions shall be complied with as specified, in addition to compliance with the above.

1. New construction of market-rate and affordable housing units. Affordable housing units shall be comparable in size, number of bedrooms, design, appearance, construction and quality of materials

with market-rate housing units, though designer and high-end finishes, fixtures and appliances are not required. Mechanical systems and energy efficiency shall conform to the same specifications as apply to the market-rate housing units. Affordable housing units shall have the same floor area as the median market-rate housing units of the same number of bedrooms. The number of bedrooms in affordable housing units shall be comparable to the bedroom mix in market-rate housing units in the development, unless otherwise required to count on the SHI.

2. Affordable housing units provided on- or off-site by restricting existing homes as affordable housing units, rather than creating new construction. Units do not have to appear similar in terms of design and appearance to market-rate housing units. Home inspections by a licensed inspector are required, and all systems and major items must have more than ten (10) years of useful life remaining.

### **Marketing and Affordability of Affordable Housing Units**

#### **Marketing Plan**

Applicants under this bylaw shall submit a marketing plan which describes how the affordable housing units will be marketed to potential homebuyers. The plan shall meet all requirements of DHCD and applicable state and federal laws and regulations so that the affordable housing units are eligible to be placed on the Town's SHI. No Building Permit for any units in the development subject to this Section shall be issued until the marketing plan is approved by DHCD.

#### **Local Preference**

The maximum local preference units under DHCD guidelines shall be provided.

#### **Income Requirements and Selling/Renting Prices**

The maximum housing purchase price or rent for affordable housing units created under this Section shall be consistent with affordability guidelines established by DHCD or a successor agency for eligible households, and shall not exceed the maximum purchase price or rent guidelines of the program used to qualify affordable housing units for inclusion on the SHI.

#### **Preservation of Affordability**

As a condition of development, all affordable housing units provided under this Section shall be subject to an affordable housing restriction in a form consistent with LIP or any other applicable guidelines issued by DHCD, acceptable to the Planning Board, and that ensures affordable housing units can be counted toward Wilmington's SHI. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of M.G.L. Chapter 184, Section 26 or Sections 31 and 32.

The affordable housing restriction shall contain limitations on use, occupancy, resale and rents, and provide for periodic monitoring, by the Town or its designee as named in the deed rider as the monitoring agent, to verify compliance with and enforce said restriction.

The affordable housing restriction shall provide that in the event that any affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity in the manner provided for by Section XX above to ensure that it remains affordable to households in the same income range as prior to the condominium conversion.

The occupancy permit for any units in the development shall not be issued until the Regulatory Agreement in a form and format acceptable to the Town and DHCD is recorded at the Registry of Deeds or Registry District of the Land Court, and a copy provided to the Planning Board.

The affordable housing restriction shall provide that initial sales and rentals of affordable housing units and subsequent re-sales and re-rentals shall comply with federal, state and local fair housing laws, regulations, and DHCD LIP guidelines.

The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify affordable units for listing on the Chapter 40B SHI as LIP units.

**Conflict with Other Bylaws or Sections**

The provisions of this Section shall be considered supplemental of existing sections of the Wilmington Zoning Bylaw. To the extent that a conflict exists between this Section and others, the more restrictive section, or provisions therein, shall apply.

**Severability**

In the event that one or more of the provisions of this Section are found or determined to be illegal or unenforceable, or held invalid by a court of competent jurisdiction, such finding shall not affect the validity of any other provisions of this Section, which provisions will remain in full force and effect.



Town of Wilmington  
Office of the Town Manager  
121 Glen Road  
Wilmington, MA 01887-3597

PHONE: (978) 658-3311

FAX: (978) 658-3334

TTY: (978) 694-1417

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December 4, 2018

Laura T. deWahl, PE  
11 Arlene Avenue  
Wilmington, MA 01887-1111


Dear Ms. deWahl:

I am pleased to advise you that I have appointed you to serve as a member of the Conservation Commission for the Town of Wilmington for a term to expire on April 30, 2020.

Please contact the Town Clerk, Mrs. Sharon A. George, at the Town Hall (8:30 a.m. to 4:30 p.m., Monday through Friday) in order to meet the requirement that you be sworn in before you assume the responsibility of this position. Please bring this letter when you appear before the Town Clerk for qualification.

The Conservation Commission's next scheduled meeting is Wednesday, December 5, 2018 at 7 p.m. in Room 9 at Wilmington Town Hall. You may wish to contact Ryan Hale, Conservation Agent, at 978-658-8238 for additional information including future meeting dates and times.

Thank you for your willingness to participate on this vital committee.

Sincerely,  
  
Jeffrey M. Hull  
Town Manager

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Then personally appeared the above-named Laura T. deWahl and made oath that she would faithfully discharge all the duties of the office to which she was appointed.

---

Town Clerk

---

Date

JMH/bjd

cc: Board of Selectmen  
Sharon Kelley-Parrella, Chairman, Conservation Commission  
Valerie J. Gingrich, Director, Planning and Conservation  
Ryan Hale, Conservation Agent  
Sharon A. George, Town Clerk  
Appointment/Committee Files





Town of Wilmington  
Office of the Town Manager  
121 Glen Road  
Wilmington, MA 01887-3597

PHONE: (978) 658-3311

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TTY: (978) 694-1417

*WWW.WILMINGTONMA.GOV*

December 7, 2018

Beera Ram, Manager  
Sumanbeera, Inc. DBA Michael's Place  
110 Lowell Street  
Wilmington, MA 01887

*VIA USPS CERTIFIED MAIL RETURN RECEIPT REQUESTED*

RE: Michael's Place – Alcoholic Beverages License

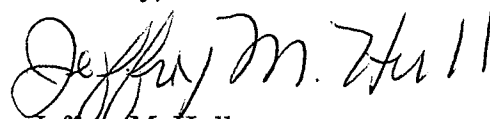
Dear Mr. Ram:

I am writing regarding your application to renew the alcoholic beverages license for the business at 110 Lowell Street. It appears that your application is complete and you, as the licensed Manager, are an authorized party to sign the application, so it will properly be before the Board of Selectmen for approval on December 10, 2018. If you are no longer the manager please advise. There are questions as to the ownership and corporate structure of the business, however, based on information provided to the Town by you and your employees. Specifically, it was represented to the administrative assistant in my office that there may be two other "Managers" that should be accounted for and approved, and these two individuals were also represented to us as either partners or owners. It appears, therefore, that there may be a requirement for an application to change officers and/or managers as well as to change ownership interest (to add partners). As you know, any such changes are required to be approved first by the Board of Selectmen and then by the Alcohol Beverage Control Commission (ABCC) before they are valid, and failure to have approved ownership is a violation of G.L. c.138.

Therefore, please be on notice that the Board of Selectmen has scheduled an informational hearing regarding your license on January 14, 2019 at 7:00 p.m. and request your attendance at that time. Please have any necessary applications to amend the license filed with this office before that meeting, so the Board may handle them at that time. Applications are located on the ABCC website.

Thank you for your attention to this matter.

Sincerely,

  
Jeffrey M. Hull  
Town Manager

cc: Beera Ram, 11 Fairmont Street, Everett, MA 02149-3804 (CMRRR)  
Board of Selectmen  
Michael R. Begonis, Police Chief  
Mark R. Reich, Town Counsel  
Brian W. Riley, Esquire, K|P Law