

BOARD OF SELECTMEN MEETING

June 26, 2017

Chairman Michael L. Champoux called the meeting to order at 7:03 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Michael V. McCoy and Edward P. Loud, Sr. Also present was Town Manager Jeffrey M. Hull.

Chairman Champoux asked those present to rise and he led the pledge of allegiance.

TREASURY WARRANTS

Chairman Champoux asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Loud seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 51, 51A, 52 and 52A.

BOARD OF SELECTMEN RECOGNITION OF ROBERT P. PALMER

Chairman Champoux stated that the Board wished to recognize Mr. Palmer for his many years of service to the Town of Wilmington. Town Manager Hull read a proclamation recognizing Mr. Palmer's service to his country and many years of dedication to the Town of Wilmington as an employee, member of the Board of Selectmen and member of the Finance Committee.

Members of the Board of Selectmen expressed their congratulations and appreciation to Mr. Palmer.

MICHAEL MORRIS, TOWN ACCOUNTANT, RE: BORROWING FOR FIRE PUMPER AND YENTILE FARM RECREATIONAL FACILITY

Mr. Morris advised that the Town is reissuing the Bond Anticipation Note and advised that this exercise is similar to action taken last year. He advised that it went out to bid and the Town accepted the lowest bid at 2% plus approximately \$44,000 premium. Mr. Morris reviewed the votes that are necessary to formalize the sale and issuance of the Bond Anticipation Notes. The Board will be asked to approve permanent financing next year.

Chairman Champoux asked if there were any questions or comments from the Board.

A motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the sale of a \$5,450,000 2.00 percent General Obligation Bond Anticipate Note (the "Note") of the Town dated June 30, 2017, and payable June 29, 2018 to Oppenheimer & Co. at par and accrued interest plus a premium of \$44,227.

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 8, 2017 and a final Official Statement dated June 15, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

A motion was made by Selectman Loud, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

A motion was made by Selectman Caira, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes.

A motion was made by Selectman McCoy, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

THERESA MARCIELLO, ELDERLY SERVICES DIRECTOR, AND WILLIAM CAVANAUGH, FIRE LIEUTENANT, RE: REMEMBERING WHEN PROGRAM

Lt. Cavanaugh stated that he and Ms. Marciello had spoken about having an educational program for fall and fire prevention for older adults. He said that his predecessor, Lt. Daniel Hurley, through the Massachusetts Department of Fire Services (DFS), had obtained a grant similar to one received to provide education in the schools and they worked for two years training the seniors. Lt. Cavanaugh advised that he received a communication from his contact at DFS notifying him of an opportunity for a grant to go to San Antonio, TX to get trained to administer their program. The Town applied for the grant and was accepted. He and Ms. Marciello attended the three day program.

Ms. Marciello stated that they wanted to make it fun and engaging for the seniors rather than have it a one or two hour presentation. It was decided to make it a six month program and each month was a different topic. She stated that attendance at each of the monthly meetings was thirty or more people.

Lt. Cavanaugh stated that each participant received a notebook containing each lesson and accompanying notes. He commented that Laura Pickett, Case Manager, was a tremendous help doing safety inspections. He and Ms. Marciello also conduct safety inspections to provide suggestions on how they can stay safe in their home so that they may remain in their home.

The program continues through December. Ms. Marciello stated that she and Lt. Cavanaugh have to write a six month review of the program and an end-of-the-year review in December.

Chairman Champoux asked whether Ms. Marciello and Lt. Cavanaugh intended to repeat the program as the senior community adds more members continuously. Lt. Cavanaugh advised that when he and Ms. Marciello attended the seminar in Texas, they had to provide information on the number of falls, fires with seniors and injuries. He stated that they have to keep track of the same incidents and provide numbers with their end of year report showing a reduction in numbers. Lt. Cavanaugh stated that they can continue to run the program without attending another training seminar in Texas.

Chairman Champoux thanked the two departments for working collaboratively on this program.

Members of the Board expressed their appreciation to Ms. Marciello and Lt. Cavanaugh for bringing the program to Wilmington's seniors.

**VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, RE:
AFFORDABLE HOUSING AND IMPLICATIONS FOR DEVELOPMENT AND ZONING**

Chairman Champoux stated that this topic began approximately one month ago and at the conclusion of the segment, it was clear that this was a conversation that needed to be ongoing. Ms. Gingrich stated that she wanted to speak to 613 Main Street as it had been discussed as a potential development site. She emphasized that she has not received any proposals for that site and it is currently zoned industrial. Any proposal for housing development would need to go before Town Meeting for the property to be rezoned. She stated that she is concerned about this site because in the event the Town falls below ten percent affordable housing, that site could be a 40B development. She noted that 40B developments do not follow Town zoning and could be larger, denser and bigger than what the Town would normally allow. She has not spoken to anyone about proposals for this property but as a vacant site Ms. Gingrich acknowledged that there is probably some interest in developing it.

Ms. Gingrich stated that the goal for housing is to provide multifamily, affordable housing across the state. The state set the goal at ten percent for each city or town in Massachusetts. Ms. Gingrich reviewed the process of 40B developments. She advised that affordability is based on a person's income at 80% of the Area Median Income (AMI).

AMI is not calculated just for Wilmington. It includes the Greater Boston area. The AMI is \$103,400. Ms. Gingrich explained how much families could earn and the rent or sale price that would be charged. She acknowledged that there is a need for units that are lower than market rate for Wilmington's current residents.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman McCoy stated that he has questions that pertain to zoning and he would like to get a better understanding of exclusionary (SIC) zoning. He opined that it is easier to talk about what is happening at this point rather than six weeks before Town Meeting. He stated that Selectmen are the last to be informed of issues and become aware of them when they receive calls from constituents.

Chairman Champoux noted that it is his recollection a few of the 40B developments were completed after the Town reached 10 percent. Ms. Gingrich explained that the Town was not always at ten percent and that the Department of Housing and Community Development (DHCD) will redo the calculation once affordable units are created.

Selectman Bendel asked how many times within the past 10 to 20 years the Town has fallen below the ten percent threshold. Ms. Gingrich stated that she does not know but believes the town only recently went above ten percent. Town Manager Hull confirmed.

Selectman Caira asked whether once the Town reaches ten percent if the town remains at that level for a particular number of years before it is looked at again. Ms. Gingrich stated that it is reviewed every year but the bottom number only changes every ten years. She advised that it is possible for the Town to fall below the ten percent and be subject to 40B developments. As total housing units are increasing, it hurts the percentage.

Ms. Gingrich reviewed the number of new units that were constructed in Town. She advised that the information was provided by the Building Inspector's office and in order to remain at ten percent, the Town needs to add between 50 and 70 affordable units.

Selectman McCoy stated that he was under the impression that once the Town meets the ten percent affordable housing, the Town is good for ten years. He stated that he does not believe the Town should be in a rush to make adjustments if the Town is at ten percent until 2020. Town Manager Hull stated that the denominator is based upon the federal census and only changes every 10 years. He advised that the numerator does change as the number of affordable housing units change. Ms. Gingrich stated that it is not likely that the Town will lose so many units that the Town will fall below the ten percent before the next Federal Census in 2020. Ms. Gingrich stated that new market rate units are steadily being added.

Town Manager Hull asked if he was correct that if the percentage falls below ten percent before 2020 the Town is then subject to 40B developments. Ms. Gingrich stated that she believes that is the case but would like to confirm. She stated that there would have to be a major fall off of units for that to be the case.

Selectman Bendel asked if there is a way to tell where we are at in terms of new units for 2017. Ms. Gingrich stated that she has not reviewed that information at this time. He asked Ms. Gingrich to explain the 50 to 70 units that will have to be added. Ms. Gingrich believes that it would be 54 units that would need to be added to affordable housing.

Selectman Loud opined that the Town does not want to be below ten percent again. He stated that Regency Place was the first 40B development that he was involved in as a member of the Board of Appeals and reviewed his experience with that development and the Metro development. He stated that he was glad that the Town is talking about this and noted that neighboring towns are not at ten percent and are fighting large developments.

Chairman Champoux stated that he recognizes the concern by a great many people about traffic and population in the schools. The challenge is that the Town has to maintain ten percent, or more, of the housing stock as affordable. He stated that he would rather see a new development come to town in a way that is on the town's terms in a place that the town wants it and is consistent with the look and feel of the community.

Chairman Champoux asked Ms. Gingrich to explain a "Friendly 40B". Ms. Gingrich stated that a "Friendly 40B" project goes through the 40B process and the developer does what the Town wants it to do. She noted that the challenge is keeping it friendly. Ms. Gingrich stated that when she is speaking with developers, she advises that the Town is open to affordable units and if it creates a benefit for the Town she would like to see it.

Selectman McCoy stated that at a previous meeting Ms. Gingrich brought up exclusionary zoning and noted that he had never heard that term. Town Manager Hull clarified that the term is inclusionary zoning. Selectman McCoy stated that the Board was advised that the Planning Board was considering including an article at an Annual Town Meeting. He stated that he is curious what other communities allow per acre. Ms. Gingrich advised that inclusionary zoning is a requirement included in the zoning code. In this case the proposal would be a requirement that

ten percent of a project be affordable. She stated that one does not need to have a density bonus. She provided that as an example and was not suggesting a specific proposal. Ms. Gingrich stated that inclusionary zoning was discussed while Ms. Hamilton was the Director of Planning and Conservation.

Selectman McCoy stated that it is his impression that the Town is pursuing a large development and will meet the ten percent affordable housing, he said he does not know what inclusionary zoning is, but hopes it does not happen. Ms. Gingrich stated that inclusionary zoning is currently part of the Over 55 Overlay District. Discussion took place regarding inclusionary zoning.

Selectman Bendel stated that he shares the same concerns as his colleagues. He asked that the Board be provided with current housing information and also the number of projects that are currently proposed. Selectman Bendel asked if the Planning Board will be proposing changes at a future Town Meeting. She stated that she has a list that she would like to bring forward, but does not know what will be brought forward. He requested that the Board be kept apprised of what may be brought before Town Meeting.

Selectman Caira asked whether all new development is required to have affordable housing and was advised that they do not. Ms. Gingrich stated that is the concept with inclusionary zoning. Selectman Caira asked what is proposed for Lowell Street. Ms. Gingrich stated that nothing has been brought before the Planning Board at this time but it is her understanding that they plan to put housing there (168 Lowell Street). She believes they are currently working on getting sewer to the site and that will determine the type of homes.

Town Manager Hull stated that one of the intentions of tonight's meeting is to get direction from the Board. He would like to get a sense of whether the board understands what is being presented and whether there is a desire to pursue options to generate affordable housing. He stated that if the Town takes no action and leaves it to market forces, there is not a market incentive for developers to build a development with affordable units.

Selectman Bendel stated that in addition to the information he requested, he would like to invite Ms. Rust to a future meeting to make sure he has all the information before being asked to vote on something. Selectman McCoy stated that he is not prepared to take a vote this evening. He stated that he wants information out there so that people have an understanding of what is going on. He stated that his impression of the meeting tonight was to receive information and ask questions. Town Manager Hull stated that he is not looking for the Board to take a vote tonight, the meeting was intended to provide information so that over time the Board will provide direction on how they would like to approach this issue.

Chairman Champoux believes receiving information that Selectman Bendel has requested will be beneficial. Selectman Bendel stated that he would like to hear from the residents similar to the meeting the Board had relative to the Butters Row Bridge. He stated that at some point it may be appropriate to have a meeting for the residents.

Selectman Loud stated that the Town should start discussing affordable senior housing.

Chairman Champoux asked if there were any questions or comments from the audience. Kim Peterson, Towpath Drive, stated that she is a concerned resident who lives behind 613 Main Street and confirmed that there is significant opposition to development on that site. Ms. Peterson expressed her appreciation that Selectman Loud brought up affordable senior housing. She stated that the Town should be addressing senior housing for the citizens who have paid taxes for so

many years to the schools after their kids have graduated, the police and fire departments. She stated that residents are concerned there will be a large scale development that it will be a “back door” deal. She stated that she would like a meeting where the public could be heard.

Kevin MacDonald, Andover Street, asked to clarify income information that Ms. Gingrich provided. She stated that the numbers she has indicates that 20% of households in Wilmington have less than \$50,000 income. Mr. MacDonald commented that Deming Way has not had improvements and opined that it could use an overhaul. He stated that he interacts on a weekly basis with developers and one advised him that he will never build a 40B project again. He opined that a company such as Xpedx would not be leaving unless there were plans for the property.

Chairman Champoux asked if there were any additional questions or comments from the Board. Selectman Loud suggested possible changes to the by-laws, lessening the tax burden on homeowners by changing the by-law on heights for commercial use. He stated that the Town may entice companies by allowing taller commercial buildings in certain locations. Ms. Gingrich stated that the height could be changed for certain zones. He expressed concern that he would not want it changed for Route 38 but would like it along Route 93. Selectman Loud stated that he would like further discussion with Ms. Gingrich.

Selectman McCoy asked if there were any plans to change zoning and cited R60 and hammerhead lots. Selectman Loud stated that zoning was changed many years ago relative to hammerhead lots and is no longer required to go before the Board of Appeals. It is a matter of right. Ms. Gingrich stated that there are R60 lots that are smaller than 60,000 square feet. She stated that there is always discussion to redo the zoning to match what exists. She stated that it appears that lots were labeled R60 lots but did not recognize existing size of lots.

Selectman McCoy reiterated his request for information from surrounding Towns regarding density. He also asked to be provided with the number of vacant lots that are both publicly and privately owned and what portion is buildable. Ms. Gingrich stated that the Town does not have that data and noted that it could be misleading if you look strictly at vacant parcels. She noted that Big Joe’s is not vacant but she has heard that it may have development potential.

Selectman McCoy noted that there is an easement allowing Xpedx to have access to Floradale Avenue and owns 367 feet of frontage on Butters Row. Town Manager Hull noted that there is question about the easement and whether it was recorded.

COMMUNICATIONS

Town Manager Hull reviewed his letter to Jessica McDonald, Environmental Specialist, Ramaker & Associates, Inc., regarding notification received by the Town of the wireless antenna network that is proposed within the MBTA right of way. The project appears to include six locations in Wilmington, each of which would contain a new 74 foot tall monopole antenna with an accessory 5 foot by 5 foot concrete pad for equipment. Four of the proposed locations are within single-family residential districts and the Town asks that the proposed monopoles be sited in a way that minimizes visual impacts to residents.

Selectman Loud stated that he read the proposal and noted that the Town has a by-law to address this issue.

**BOARD TO CONSIDER SIGNING ALCOHOLIC BEVERAGES CONTROL COMMISSION
LLA REVIEW FORM RELATIVE TO THE CHANGE IN OFFICERS/DIRECTORS FOR
PEPPER DINING, INC DBA CHILI'S GRILL & BAR, 207 MAIN STREET**

Town Manager Hull advised that due to the large number of restaurants, the application and applicable fees were sent directly to the Alcoholic Beverages Control Commission (ABCC). The ABCC has reviewed the documentation and advised that it is in order.

Chairman Champoux advised that this process periodically takes place with large chains and asked if there were any questions, comments or a motion. A motion was made by Selectman Loud, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen sign the Local Licensing Authority Review Form relative to the change in officers/directors for Pepper Dining, Inc. DBA Chili's Grill & Bar, 207 Main Street.

**BOARD TO CONSIDER SIGNING DEED FOR WAYS ACCEPTED AT THE APRIL 29, 2017
ANNUAL TOWN MEETING ARTICLE 50 – CHEYENNE DRIVE**

Chairman Champoux asked if there were any questions, comments or a motion. A motion was made by Selectman Bendel, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen sign the deed for Cheyenne Drive as accepted at the April 29, 2017 Annual Town Meeting.

PUBLIC COMMENTS

Kevin MacDonald, Andover Street, offered comments regarding the Board of Selectmen meeting held June 12, 2017 to discuss the Butters Row Bridge. He stated that the vertical curve creates a safety concern. He would like the Board to consider constructing a wide bridge with sidewalks that can accommodate the weight of heavy vehicles including fire apparatus, but that it remain a one-lane bridge.

Mr. MacDonald noted that there are signs in opposition to Global's proposal to locate a retail gas station on West Street and opined that the Town ought to take the property by eminent domain for the purpose of building affordable housing for the elderly.

Mr. MacDonald stated that he was advised that when the Town of Wilmington did not have curbside trash collection, residents brought their refuse to Abigail Island and asked for confirmation that trash was buried at that location, whether the location was cleaned up and whether the water is tested by an independent party. He opined that it was "clever engineering" to locate the shooting range at that location so that it would not get discovered. Town Manager Hull advised that he is not aware that the location was used as a dump. Mr. MacDonald was advised that the Department of Public Works conducts rigorous testing which is overseen by the Department of Environmental Protection.

Mr. MacDonald commented that Mr. Neil Couture was present this evening and offered his congratulations on his appointment to the Finance Committee. He opined that there is over budgeting for articles presented at Town Meeting and wanted to ask Mr. Couture a question. Chairman Champoux advised Mr. MacDonald that his request was not an appropriate use of the Public Comments segment of the agenda and advised that if Mr. Couture wished to discuss this with him outside of the meeting, it was his prerogative.

NEW BUSINESS

Members of the Board of Selectmen encouraged residents to attend the various Fourth of July festivities scheduled for next week.

Selectman Caira stated that, at the meeting of June 12, there was a consensus with the residents that the Town pursue the construction of a new bridge. He believes it was the same consensus of the Board and asked whether MassDOT is looking for a formal vote. Town Manager Hull stated that the Director of Public Works, Michael Woods, had advised him that he would be speaking with representatives of the Boston office of MassDOT. Town Manager Hull does not believe anything more formal is required at this time.

Selectman McCoy expressed his appreciation that discussion relative to affordable housing was scheduled as an agenda item.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 29 – Farmer's Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 27 – Reading Municipal Light Department "Shred the Peak"
Buzzell Senior Center – 1:00 p.m.
- June 27 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
- June 29- – Fourth of July Festivities – 978-657-8081 (funonthefourth.com) – Town Common
- July 2 Spectacular Fireworks – July 2
- July 1 – Family Day – Town Common
- July 1 – Library Closed Saturdays for Summer
- July 1 – Wilmington Fire Department vs. Wilmington Police Department
Charity Softball Game to Benefit The 100 Club of Massachusetts
Wilmington High School Softball Field – 4:00 p.m.
- July 5 – Concert on the Common – "Perfect Crime" – 6:30 p.m. to 8:00 p.m.
- July 5 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- July 8 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- July 12 – Concert on the Common – "Jimmy and the Jesters" – 6:30 p.m. to 8:00 p.m.
- July 17 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 9:36 p.m.

Respectfully submitted,

Recording Secretary