

BOARD OF SELECTMEN MEETING

MARCH 14, 2016

Chairman Michael L. Champoux called the meeting to order at 6:30 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael V. McCoy, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull. A motion was made and duly seconded and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn to executive session for the purpose of discussing pending litigation and the approval of executive session minutes with the intention to return to open session.

Chairman Michael L. Champoux reconvened the meeting at 7:23 p.m. in the Auditorium of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael V. McCoy, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

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

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 35, 35A, 36, 36A, 37 and 37A.

ROBERT G. PETERSON, ESQUIRE, ON BEHALF OF MICHAEL PALMER AND AMY PALMER, WILMINGTON'S EAST COAST DINER, INC. DBA THE EAST COAST DINER, RE: PUBLIC HEARING: REQUEST TO OBTAIN AN ALL ALCOHOL LICENSE FOR PROPERTY LOCATED AT 203 LOWELL STREET

Attorney Peterson was present with Mr. Michael Palmer requesting an all alcohol license for property at 203 Lowell Street. Attorney Peterson provided Town Manager Hull with the receipts from the mailing of notices to abutters.

Mr. Peterson advised that this is for one of two restaurants which were approved for the corner of Lowell Street and Woburn Street. He stated that there was a relatively long site plan approval process before the Planning Board. The site plan for the property has been approved and the hearings have been closed. Mr. Peterson stated that the property has been approved for two restaurants, both of which have been purchased by Mr. Palmer. Wilmington's East Coast Diner is the only restaurant being permitted at this time and the other lot on the site will be a pet care facility.

Mr. Palmer's application is for the rear of the two restaurants located at the rear of the parcel near the rear driveway of Textron prior to the residential area on Woburn Street. The facility will contain 156 inside seats and 5,538 gross square feet. It will be a diner in nature and advised that Mr. Palmer is a proprietor of Fusilli's in Reading, Stearns and Hill in Melrose and former proprietor of Tanner Tavern in Woburn.

Mr. Peterson stated that once this matter is concluded and the easements are drafted to the approval of the Planning Board and Town Engineer, Mr. Palmer will be ready to proceed.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman O'Connell stated that the application appeared to be in order and asked Mr. Palmer to provide a description of what will be going in there. Mr. Palmer stated that he is a resident of Lynnfield and grew up in Winchester. He reviewed his experience with various restaurants. He stated that he has approximately thirty years of restaurant experience and noted that he has not had an issue with other alcohol licenses he has

possessed. He stated that for the Wilmington property, it has been a desire to have an old fashioned diner, single story, booths in the window with neon or LED lights. Mr. Palmer provided a description of the restaurant and menu. The bar will be at the back of the restaurant to allow for family seating at the front. This will provide a better environment.

Selectman McCoy stated that he did not have any questions but wished to make comments relative to the parcel of land. He stated that he was involved in rezoning of that property prior to the Town Meeting. He related conversations he had with Mr. William Yetman of Howland Development, owner of the property, and he was advised that a “Doggy World” would be on the property and he stated that he asked whether anything else would be placed on the property and he was told there would not. He stated that at Town Meeting, the theme was Doggy World and there was never discussion that restaurants would be located on the property. Selectman McCoy stated that following the vote of Annual Town Meeting a sign was erected on the property that it was a future site of retail stores, banks and restaurants. He stated that he confronted Mr. Yetman after Town Meeting and he was ignored.

Selectman McCoy expressed his opinion that Town Meeting is sacred and if you are looking for something from Town Meeting, you have to mean it. He commented regarding his desire to open a second restaurant on Lowell Street but was denied rezoning at Town Meeting. He stated that there is no bitterness but he feels he was used and is not happy with how this was presented.

Selectman McCoy stated that he would like to table the matter for two weeks and request Mr. Yetman to attend a meeting and explain what happened. He expressed his desire to have a debate on the issue.

Mr. Peterson stated that restaurants are an allowed use, by right, in that area with a special permit. The restaurants do not have anything to do with action taken at Town Meeting. The rezoning was specifically done to allow a portion of the parcel, approximately one-third, to be used for “Doggy World”. He noted that “Doggy World” is coming and is a substantial part of the site plan. He advised that Howland Development could have placed three restaurants on the site without going to Town Meeting as it is an allowed use. The article for Town Meeting was written for “Doggy World” and that is what will be going there. Selectman McCoy contends that the restaurants are “coming in the back door”. Mr. Peterson stated that the restaurants are an allowed use, by special permit, in General Business zone.

Mr. Peterson stated that he was involved in the rezoning of the parcel from inception and had discussions with Carole Hamilton, Director of Planning & Conservation. When the article was submitted, all three uses were included. Mr. Peterson stated that there was a consensus with the Planning Board, at the time, that General Industrial Use on that corner was not the highest and most efficient use of the property.

Chairman Champoux stated that Selectman McCoy has served as a Selectman for many years and, out of respect for him, wanted to allow as much time as he needed to voice his observations but wanted to make it clear that his comments were not relevant to Mr. Palmer’s request before the Board. Selectman McCoy stated that it is relevant, the zoning change allowing the use.

Selectman Newhouse observed that he was not privy to the conversations Selectman McCoy had, but if he felt misled he would feel agitated. He stated that he believes a General

Business Zoning District in that area is better for the Town than a General Industrial Zoning District.

Chairman Champoux asked whether Mr. Palmer would be seeking an Entertainment License. He advised that he is not a big proponent, he has tried it in other locations.

Chairman Champoux asked if there were any questions or comments from the audience and there were none.

Town Manager Hull reviewed recommendations from applicable department heads. Police Chief Michael Begonis recommends approval, Inspector of Buildings Al Spaulding stated that it is an allowed use requiring a Special Permit from the Board of Appeals which was issued on October 14, 2015 and Shelly Newhouse, Health Director, recommends approval. Town Manager Hull suggested that the Board approve the all alcohol license subject to the restaurant being constructed as represented in the floor plans.

Chairman Champoux inquired about the Common Victualer License. Mr. Peterson advised that, in these circumstances, he submits the application after the building has been completed. He stated that one of the provisions for sign off from the Board of Health is a final inspection of the kitchen. Chairman Champoux asked about the schedule. Mr. Peterson stated that they have final site plan approval, they are working on common driveway and parking easements and final land court filing of subdivision plan. Mr. Peterson expects that they are 30-60 days away from closing.

Mr. Peterson advised that on the approved plan with the Planning Board, there is a small area of outdoor seating, which seats approximately 30 people. He stated that he forgot to add the area to the application but unless the Board approves, it will not be approved by the Alcoholic Beverages Control Commission.

Chairman Champoux asked if there were any additional questions, comments or a motion. A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of four with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen approve the application for the All Alcohol License of Wilmington's East Coast Diner, Inc. DBA The East Coast Diner to be located at 203 Lowell Street, including the outdoor seating area, subject to construction as represented in the floor plans and further that a determination is made that the license is not detrimental to the educational activities of the Wonder Years located on Lowell Street.

**VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, RE:
INTER-MUNICIPAL AGREEMENT FOR REGIONAL HOUSING SERVICES
OFFICE**

Ms. Gingrich advised that the Board of Selectmen has been provided with a copy of an Inter-Municipal Agreement with the towns of Reading, North Reading and Saugus. She advised that the four towns share a regional housing office. During the first two years the regional office has compiled a database containing all of the Town's affordable housing units with deed riders and all necessary documents; sent letters to owners to self-certify home ownership units; advised the Town on the Regulatory Agreement with Avalon; assisted in drafting a housing strategy for the Town; assisted with paperwork for refinancing or reselling units and on-going monitoring of units to ensure that all appropriate processes are conducted.

Ms. Gingrich advised that the Town is now the monitoring agent for Avalon and will be relying on the Housing Office for assistance. The next step will be creating monitoring plans for all the

different housing projects. The agreement is for Fiscal Years 17 and 18 and opined that participating in the regional office is beneficial to the Town and Ms. Gingrich recommends that the Town continue its membership. She believes that they will be helpful in maintaining 10% affordable housing status.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Cimaglia asked what happens if the Town is not at the 10% affordable status. Ms. Gingrich advised that the Town will be susceptible to 40B projects. They do not have to comply with local zoning.

Selectman Newhouse noted that when you reach the 10% threshold there is a significant degree of oversight. He asked, with respect to the membership fees, is it based upon number of units. Ms. Gingrich confirmed that the percentages are based upon the number of units and noted that she tracks the hours and the percentages are accurate.

Chairman Champoux stated that the reputation of 40B is that it will be really dense or inconsistent with the complexion of the Town. He believes the Town has been able to strike a nice balance.

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

VOTED: That the Board of Selectmen sign the Inter-Municipal Agreement for Regional Housing Services Office with the towns of Reading, North Reading and Saugus.

COMMUNICATIONS

Town Manager Hull noted that the first item under communications was discussed during Ms. Gingrich's appointment.

Town Manager Hull reviewed a memorandum from Valerie Gingrich, Director of Planning & Conservation, regarding the Open Space and Recreation Plan. Ms. Gingrich advised that the 2015 Open Space & Recreation Plan has been approved by the Massachusetts Executive Office of Energy and Environmental Affairs. The approval makes the Town eligible to receive grant funding for open space projects from the Commonwealth.

Town Manager Hull reviewed his memorandum regarding the Middlesex Canal Commission concerns relative to the Dog Park. He advised that the location of the Dog Park at Town Park was announced during his February 1, 2016 budget presentation to the Board of Selectmen. Town Manager Hull reviewed the proposed project and from the onset of the design process it was a primary goal to avoid impact to the canal, trail and kiosk. In order to ascertain the limits of the actual canal location, the Engineering staff (including a Massachusetts Licensed Land Surveyor) completed a field survey and location of the Middlesex Canal prism through the property. He advised that, at this time, the extent of the work has been limited to tree and brush removal within the limits of the proposed fence.

The Town was aware of the original Act establishing the Middlesex Canal Commission (Acts of 1977 Chapter 403) which is available on the Middlesex Canal Commission's website. It was brought to the Town's attention that amendments to the original Act require that at least 7 days before the appropriate board of a member city or town permits or approves an activity or action on land abutting the route of the Middlesex Canal, notice shall be given in writing to the commissioner. Town Manager Hull noted that these amendments were not located on the Middlesex Canal Commission's website. Formal written notification was sent to the Middlesex Canal Commission regarding the proposed work. A site walk was performed by the Engineering

Division on March 9, 2016 and found the trail to be intact and no disturbance within the Middlesex Canal limits. Both were observed to be in the condition as it was prior to any tree removal. If any portion of the trail or the kiosk is unintentionally impacted by this project, it will be restored to its original condition.

Town Manager Hull reviewed his memorandum regarding the withdrawal of the grant application for Yentile Farm Recreational Facility. He advised that subsequent to submission of the grant application, the Town was advised that approval of the grant funding at the federal level would not occur until after completion of the Yentile project. Funds from the Land and Water Conservation Fund program cannot be obligated until after the entity has been approved for a grant. In spite of the prospect of receiving grant funding, deferring construction of the project and rebidding would not be in the Town's best interest.

Town Manager Hull reviewed his memorandum regarding the status on the July 4th Carnival. He advised that he will be meeting with the Planning Board to make the case that the Town's application for a special permit is specially and materially different from the application made by the Fourth of July Committee. If the Planning Board agrees and consents to allowing the application to move forward, Town Manager Hull will be meeting with the Board of Appeals. He advised that Board of Appeals member Ed Loud has received an opinion from an attorney with the State Ethics Commission that with appropriate disclosure, he can participate in Board of Appeals matters related to the application for a special permit. Town Manager Hull advised that a request for proposal for carnival services will be finalized next week. Advertising will occur locally and in the state *Goods and Services Bulletin*. Scott Garrant, Chairman, Fourth of July Committee, has advised that if a carnival operator is hired, the Fourth of July Committee will conduct a program beginning on Thursday, June 30th and concluding on Sunday, July 3rd. Fireworks will take place on Saturday, July 2nd. If there is no carnival, the Fourth of July Committee will conduct a 2-day event beginning Friday, July 1st and concluding on Saturday, July 2nd with a fireworks display.

Town Manager Hull reviewed a letter from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, to Melanie Hagman, Business Manager, Shawsheen Tech, regarding the Certification of Excess and Deficiency July 1, 2015. Based upon the unaudited balance sheet submitted, the amount of excess and deficiency as of July 1, 2015 for Shawsheen Valley Regional Vocational Technical High School was certified at \$1,305,969.

Town Manager Hull reviewed a letter from Michael R. Sweeney, Executive Director, Massachusetts State Lottery Commission, regarding the Commission's KENO to Go Offering to Richdale, 335 Main Street. Deputy Chief Robert Richter advised that upon completing an investigation, the Wilmington Police Department recommends approval. Town Manager Hull advised that the only action necessary is in the event the Board objects.

BOARD TO CONSIDER CLOSING AND SIGNING THE WARRANT FOR THE ANNUAL TOWN MEETING

Chairman Champoux noted that tomorrow evening the Warrant will be presented to the Finance Committee and Planning Board at their joint public hearing. Each article will be discussed and opportunity will be provided to petitioners to make their case and residents will have an opportunity to ask questions.

Town Manager Hull briefly reviewed each article on the Warrant for the Annual Town Meeting.

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

VOTED: That the Board of Selectmen close and sign the Warrant for the 2016 Annual Town Meeting.

BOARD TO CONSIDER REQUEST FROM WILMINGTON BAND PARENTS AND FRIENDS TO SELL COFFEE, DONUTS, POPCORN, COLD DRINKS, POMPOMS AND BALLOONS DURING THE MEMORIAL DAY PARADE

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

VOTED: That the Board of Selectmen approve the request of the Wilmington Band Parents and Friends to sell coffee, donuts, popcorn, cold drinks, pompoms and balloons during the Memorial Day parade.

BOARD TO CONSIDER REQUEST OF WILMINGTON SONS OF ITALY AND WILMINGTON BAND PARENTS TO USE THE SWAIN SCHOOL PARKING LOT ON SATURDAY, MAY 14 FROM 7:00 A.M. TO 5:30 P.M. FOR THE PURPOSE OF CONDUCTING A YARD SALE TO RAISE FUNDS

Town Manager Hull advised that the request from the Wilmington Band Parents and the Wilmington Sons of Italy included the sale of popcorn, soda, water, hot dogs and hamburgers, having a live band play between 11 a.m. and 4 p.m. and antique cars for viewing. Town Manager Hull advised that he has confirmed there are no school activities scheduled for Saturday May 14, however there are events scheduled for Saturday, May 21.

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

VOTED: That the Board of Selectmen approve the request of the Wilmington Band Parents and Wilmington Sons of Italy to use the Swain School parking lot for a yard sale fundraiser on Saturday, May 14, 2016 from 7:00 a.m. to 5:30 p.m. and that a raindate, if necessary, will be subject to the approval of the Town Manager.

BOARD TO CONSIDER REQUEST OF JULIE RAUSEO, COMMUNITY MANAGER, RELAY FOR LIFE, TO LIGHT THE TOWN COMMON PURPLE DURING THE MONTH OF MAY

Town Manager Hull advised that the Town has the shaded filters from last year.

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

VOTED: That the Board of Selectmen approve the request of Julie Rauseo to light the Town Common purple during the month of May.

BOARD TO CONSIDER REQUEST OF SUSAN HENDEE, PMC WILMINGTON KIDS RIDE COORDINATOR, TO CLOSE A PORTION OF CARTER LANE TO CONDUCT THE ANNUAL PANMASS CHALLENGE WILMINGTON KIDS BIKE RIDE ON SUNDAY, MAY 22, 2016 FROM 8:00 A.M. TO 1:00 P.M

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

VOTED: That the Board of Selectmen grant the request of Susan Hendee, PMC Wilmington Kids Ride Coordinator, to close a portion of Carter Lane to conduct the Annual PanMass Challenge Wilmington Kids Bike Ride on Sunday, May 22, 2016 from 8:00 a.m. to 1:00 p.m.

PUBLIC COMMENTS

There were none.

NEW BUSINESS – COMMITTEE REPORTS

Selectman Cimaglia stated that he is often asked about the black ring that he wears on his index finger and he explained the significance. He stated that it is a project called @22KILL to bring awareness to veteran suicide and noted that 22 veterans per day are killing themselves. He stated this is a way to bring awareness, show support and asked that if any veteran reaches out that they be directed to his office or another veterans' office.

IMPORTANT DATES:

Town Manager Hull reviewed important dates including:

- March 15 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 17 – Facilities Master Plan – Town Hall – Room 9 – 7:00 p.m.
- March 17 – Registration Deadline for “Rookies” T-Ball
- March 26 – Easter Egg Hunt – Town Common – 2:00 p.m.
- March 28 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 2 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 4 – Last Day to Register to Vote at the Annual Town Election and Town Meeting
Town Clerk's Office Open 8:30 a.m. – 8:00 p.m.

There being no further business to come before the Board, a motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Recording Secretary