

TOWN OF WILMINGTON  
BOARD OF APPEALS  
MINUTES NOVEMBER 15, 2023

The board of Appeals held a meeting in Room 9 at the Town Hall.

The meeting was called to order at 7:01. Daniel Veerman, Jacquelyn Santini, Thomas Siracusa  
Raymond Lepore and Tony Barletta were all present.

CASE 19-23

409 SALEM STREET

Angelo Ciano

Map 95 Parcel 8

-To acquire a special permit under the ground water protection district section 6.6.7.7

Applicant emailed the BOA on 11-14-2023 that he needs to continue this hearing to the next meeting being held on December 13, 2023.

Motion to continue made by Daniel Veerman, Jacquelyn Santini seconds

Vote unanimous to continue case until December 13, 2023

CASE 18-23      HEIDREA COMMUNICATIONS ON BEHALF OF T-MOBILE      Map R1 Parcel 23

773 SALEM STREET

-Requesting variance to extend a cell tower antenna above 120 feet.

Applicant was not present again, Daniel Veerman proposes to continue to next meeting, if they are not present at the December 13, 2023 they will not continue further.

Motion to continue made by Anthony Barletta, Jacquelyn Santini Seconds

Vote Unanimous to continue to December 13, 2023 meeting

## 79 NICHOLS STREET (CONTINUED)

-To Acquire a comprehensive permit under MGL, Chapter 40B

Michael Newhouse and Kristin Costa present for the applicant. Peer review updated was not received until 3:30 the day of the meeting. They don't want to close the public hearing until the Members have a chance to review new peer review recommendations. Applicant has no problem to continue to next meeting on December 13, 2023.

Site plan has not changed in respect to the number of units , all single family.

3 peer reviews conducted. Issues still be to worked out are traffic. Concern of mitigation

From traffic peer review the developer pay \$25,000.00 as fair share cost to mitigate impacts there may be in the neighborhood going forward. This would be a condition as part of the permit, and would need to be done prior to occupancy permit.

As far as sewer, they are proposing a low pressure sewer main, that services the development at Hopkins and Shawsheen intersection.

TEC does not feel this sewer system will work, asking about septic system instead. If septic is enforced than it would go from 12 to 10 units. Not viable for this project.

Dimensional requirements for curb cuts, the paved width as well.

Anthony Barletta mentions storm water.

Thomas Siracusa asks about the cost of \$25,000.00 cost of mitigation and if it was going to be an issue for the developer. Mike said other similar projects were a lot less than \$25,000.00. Examples would be 16 unit apartment on Cross street had zero mitigation. 203 Lowell street is going to have 50 residential units, a restaurant, and coffee shop, Their mitigation was \$49,000. Also Jacques Lane 40B, they contributed \$10,000 to a scholarship fund. They feel \$10,000 contribution is much more in line for this project.

Ray Lepore asks if the water main intersection will have to be dug up again since it was just redone. Yes it would have to be a connection at the intersection.

TEC representative says \$25,000 would be needed to improve the intersection at Nichols and Shawsheen. They cant say if it is or is not feasible with the current sewer the project is putting in.

Jaime Magaldi is DPW director was present and feels the sewer system is a shared force main

And is it in best interest for the town to connect to sewer. Wilmington is part of the Ipswich water shed, 18 to 20 Percent of house in town are on town sewer, Which will impact the local ground water. CWRMP in 2006, this is why the whole town is not on sewer. Soil on this project are suitable to be on septic.

Mike reminds board that the West street project is on sewer with over 100 units and is in a non sewer district. CWRMP is a local policy and 40B projects are exempt from. Project 79 Nichols site there were 5 sewer stubs were already approved. Mike feels that proposal of the current sewer system will be approved by an appeal. The system is PVC pipe that connects to the town system, if it fails the only homes effected are the homes in the Nichols Development. If the town needs to fix the system at any point down the road, its just a matter of removing a piece of 3 inch pipe and replacing it. Nursing home on West street had a forced main went down Lowell street, turned onto Woburn street that connected to gravity system. Once changes were made around Woburn street, they put a pump system at Walpole Fence Co. and other lines connect to that pump station. Mike needs to discuss with developer if it can be a possibility to come up with another sewer pump system. Applicant does not want it to be a private street, if it does become that there would have to be an association.

Jaime says that site is maintained on site and pumped to the system right in front of development. 79 Nichols would be pumped 1200 feet down Shawsheen street in a 3 inch pipe, and soil type is different at West street. They do not approve a shared forced water system. Each house could be affected if one house fails. They need a more detailed advanced design before sending it to the town sewer consultant. He stated he only would want single pump station.

Anthony Barletta says it should be conceptually reviewed and discussed to see if could actually work before going forward. 40B has certain rights. If this system is designed correctly will it ever fail in the future.

Thomas Siracusa states that the applicant should be told if the system works or not. The board does not have sufficient information to approve or disapprove for the current sewer discussed. If there is no solution whether to be sewer or septic would that stop the project.

Daniel Veerman stated that rules should apply equally for West Street and Nichols as far as sewer. Jaime states West Street has it pumped directly in front of street and not going down 1200 foot pipe and that the soil was approved. Was asking why they received the updated review 5 minutes before the meeting. West Street is 100 units vs 12 at Nichols, which means there is obviously much more water being used at West Street than Nichols so why is there more of a problem with only 12 units. No surrounding residents were against 100-104 West.

Val Gingrich stated that when they discussed West Street, it was approved because the sewer was at the frontage.

Anthony Barletta says some of the statements say that the town would be responsible for trash and snow removal. Suggested flipping how house so driveway is on the other side will give an extra 20 feet between each driveway.

Jaime Magaldi said they are trying to stop the precedence of driveways being too close, no place for snow storage. Where does the snow now go? They don't want to put too much time in one development, no storage in cul-de-sac or in the wetland area to dispose of snow. Fire hydrants have to stay open.

#### PUBLIC HEARING OPEN

Gary DePalma 46 Swain Road

If there is a 1200 foot sewer line can other streets or houses tie into this line?

Mile says no

Why can't there be separate septic on each lot?

Fire and ambulance might not be able to get in because of the snow that maybe can't be removed. This would add to the burden snow removal cost.

He's on a paper street, so if they get snow plowed out his street should also be plowed.

Would he then be able to ask for a 1200 foot sewer line, the answer would be no.

Council said as far as she knows if went to court 40B will always win.

Dan will close public hearing till next meeting on December 13, 2023.

If they vote no, they can go to court and win then the applicant can put in whatever they want.

Ray Lepore asks Val, who is head of planning and conservation, why didn't the original plan of 5 houses not work but lot approved for 12 houses under 40b. So now how does the planning board justify 12.

Val says back in 2018 there was a application for a conservation 5 home subdivision with a small cul-de-sac in front of property before you get to the homes. They could not enough turning radius on the cul-de-sac and to get the homes far enough away from wetlands. Homes were 5 feet from no disturb setback.

Dan Veerman makes a comment that the West Street 100 unit 40B was presented to the board there were no residents in attendance to disapprove over 5 to 6 meeting.

This applicant for 79 Nichols will be continued to December 13, 2023.

Approved all 10 past meeting minutes.

Dan called meeting to adjourn at 9:23

Anthony Barletta makes the motion

Ray Lepore Seconds motion.



LS RECORDING SECRETARY

Charlie Dagli 12 Jaques Lane

We have to have the dept and the town to get all the info for project. Burden should be on the applicant . BOA needs more info before decision.

Daniel Veerman States that the recent info was given to them 5 minutes before meeting so how Can they make a decision to approve or disapprove. Applicant delayed this for 4 months.

Thomas Siracusa says he hopes they can come to an agreement that works for everyone.

All he is concerned about is septic and is it in code and that it works. If it doesn't he will not vote for it.

Frank West 2 Birchwood Road

Is this project condo or single family (single family) Applicant says its in the best interest for it to be a public way.

If private then they would need an association with fees. Still questioning the 24 foot turn around.

Hugh Vandermark 81 Nichols Street

Original approval was for 5 single family homes. Town water approved 5 stubs to go under Jacques lane. Also showed a pump station with a backup generator. New proposal is a 500 gallon pump with no back up generator. 5 year rule that new road construction cant be dug up for 5 years. So if there a break in sewer main how to fix it.

Renee Smith 12 Jaques Lane

Asking about economic viability with 12 homes vs 10.