



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 GLEN ROAD, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

Planning Board Minutes

October 3, 2023

The Planning Board met on Tuesday October 3, 2023 at 7:30 p.m. in the Town Hall Auditorium. The following members were present: Terence Boland, Chair, Randi Holland, Sean Hennigan, Angela Marcolina and Peter Moser. Valerie Gingrich, Director of Planning & Conservation and Jayne Wierzbicki, Planner/Economic Development Coordinator were also present.

Minutes

The Planning Board reviewed the August 1, 2023 minutes.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the August 1, 2023 minutes as written.

Form A

None

Matters of Appointment

Continued Public Hearing – Lee Avenue – Map 58 Parcel 25 - 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10 – Joseph Shamon, Applicant

PRESENT IN INTEREST: Luke Roy, LJR Engineering
Joseph Shamon

MATERIALS CONSIDERED:

PLAN: "Roadway Improvement Plan, Lee Avenue, Town of Wilmington" dated April 1, 2023 and last revised September 18, 2023,

STORMWATER ANALYSIS dated April 2023 and last revised September 2023

PLANNING REVIEW LETTER dated July 31, 2023

ENGINEERING MEMO dated October 3, 2023

LETTER for Luke Roy dated September 18, 2023

L. Roy told the Board they made revisions to the stormwater design. The stormwater basin is in the same location, but he made changes in accordance to the engineering comments. He said at the last meeting, the main thing was shifting the stormwater basin to be located on the subject property. T. Boland read the Town Engineers memo and asked who is responsible for the basin once the project is complete. He said there should be something in the decision that the homeowner will maintain that. V. Gingrich said that is something that was flagged to discuss. V. Gingrich said it is difficult putting that responsibility on the homeowner. She brought to the Board's attention Pomfret and said the maintenance of the swales was put on the new homeowner and they were not being maintained so it's difficult to put it on the homeowner. V. Gingrich said they had a street acceptance plan from the developer and the town accepted the roadway so the town could maintain the swales. She said this would be the same situation so if the street were to be accepted, DPW suggested perhaps there could be a shared arrangement

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where the frequent mowing like once a week would be the homeowner and DPW would maintain otherwise. She let the Board know the homeowner would have to be responsible, but the town always runs into trouble with situations like that. T. Boland said an acceptance plan probably should be discussed. V. Gingrich said the Board can require that as a condition of approval. She said folks that front on Lee Avenue would need to buy in and maybe the one home on Perry Avenue as well. L. Roy said there is nobody but the homeowner to be responsible. He said the complication for street acceptance is that all the fronting owners need to agree. T. Boland asked if there was a shared agreement with Pomfret because he is not sure if that needs to be added as a condition looking at a possible acceptance and he suggested getting DPW's opinion. V. Gingrich agreed. S. Hennigan said if that is not maintained, there will be an adverse impact on everyone else down the line and the Board agreed. He asked what the recourse would be if the homeowner failed to maintain the swale. J. Shamon said for decades the runoff from Rte. 129 has been coming down and adversely affecting the same people for years and he said he's going to be helping these folks. He said the Webbers have been at every meeting articulating their concerns and when Mr. Lucci built his project, he provided no relief for the water problem. He said they are giving relief but it will not be 100% relief but it will be light years better. He said he will work with the Board to develop the language that they feel is appropriate and if the Board would like the street to be accepted, everyone else would have to agree. He said this project will enhance the drainage of that area. T. Boland said it works until it fails. J. Shamon said with maintenance and operation, if it doesn't work, it doesn't work. T. Boland said S. Hennigan's concern is for what happens down the line. He said that is why the Board is looking to have it accepted and DPW would take over the maintenance. In the past when homeowners were responsible for the maintenance, it hasn't gone well. T. Boland read Engineering memo. L. Roy said a NOI needs to be submitted so he will submit to Conservation Commission this month.

Resident K. Webber said she could not hear L. Roy's presentation or responses. T. Boland explained that L. Roy reviewed the drainage because the Board is trying to make sure the project doesn't impact the neighbors and that it's an improvement and it stays an improvement. K. Webber became emotional and said that project will affect her house. J. Webber said he put together maps and how development has changed the geographics of that area. T. Boland said they will not be making a final decision. He said the Board is gathering information so that a decision can be made.

L. Roy asked if they could expect a draft decision at the next meeting and V. Gingrich explained that if what is approved with the Conservation Commission is different than what the Planning Board approved, the applicant will need to return for a modification. J. Shamon offered the Board his advice stating it's hard to give a two weeks' notice when submitting information and the Department only provides comments two to three hours before the meeting. He suggested the town should coordinate better because he finds it totally offensive that he receives comments in such short time before a meeting and if they had more time to review, maybe everyone's time wouldn't be wasted. J. Shamon requested the Board work with the Conservation Commission and T. Boland said the Board cannot work with the Conservation Commission until the applicant has filed with them. V. Gingrich reminded the applicant that the Board suggested he file with the Conservation Commission in the very beginning of his application process with them and she reminded him that it is a problem that he created, not the Board. She said he could have applied to Conservation months ago so that it would run parallel. She suggested he discuss with his engineer whether he should accept a condition that he would need to come back to the Board if there are any changes or he could keep the public hearing open until he is done with the Conservation Commission.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action to November 30, 2023 for 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for 81G Roadway Improvement Plan Application #23-01 and Stormwater Management Permit #23-10 to November 7, 2023 at 7:35 p.m. in the Town Hall Auditorium.

Continued Public Hearing – Birch Street Definitive Subdivision #22-01 and Stormwater Management Permit #22-12 – Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 Haralambos Katsikis, Applicant

A request to extend the deadline for action and continue the public hearing was received.

MATERIALS CONSIDERED:

LETTER from Attorney Michael J. Newhouse dated September 26, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to November 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Application #22-01 and Stormwater Management Permit #22-12 for Birch Street, Map 49 Parcels 4, 4A, 5, 6, 7, 8, 9, & 11 to November 7, 2023 at 7:40 p.m. in the Town Hall Auditorium.

Continued Public Hearing – 190 Main Street – Map 44 Parcel 178 – Site Plan Review #23-10 Stormwater Management Permit #23-08, Groundwater Protection District Special Permit #23-02 and Parking Relief Special Permit #23-03 – Richard Gallant for Gallant Memorial Arena LLC, Applicant

A request to withdraw the applications was received.

MATERIALS CONSIDERED:

REQUEST TO WITHDRAW from Christopher Lovett dated October 3, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To accept the request to withdraw Site Plan Review #23-10, Stormwater Management Permit #23-08, Groundwater Protection District Special Permit #23-02 and Parking Relief Special Permit #23-03 for 190 Main Street without prejudice.

**Continued Public Hearing – 250 Ballardvale Street – Site Plan Review #23-12, Stormwater Management Permit #23-11 and Parking Relief Special Permit #23-04 - Map R2 Parcel 23B
James McManus, Applicant**

PRESENT IN INTEREST: James McManus, Howland Development
William R. Bergeron, Hayes Engineering, Inc.
Kenny Tyler, Eversource

MATERIALS CONSIDERED:

PLAN "Site Layout Pla, Wilmington, Mass." dated August 8, 2023 and last revised September 12, 2023, "Equipment Storage Plan in Wilmington, Mass." Dated April 27, 2023, "Racking Layout, Building 1 – Wilmington, Eversource" dated August 15, 2023, "Heavy Duty Cantilever Slide Gate" dated October 27, 2011

GATE INFORMATION received September 6, 2023

J. McManus introduced his team. W. Bergeron told the Board at the last hearing there were 2 specific things requested by the Board and that was to add the drainage system to be consistent with the stormwater management. They were requested to provide snow storage on the plan and provided information about the gate. The plan was modified and submitted. He reviewed the draft conditions and he said when they talked originally that the Town Engineer agreed with him that because there was going to be no construction and the fence that was being installed was going to be outside the boundaries of the Conservation Commission and it will have a 6" reveal on the bottom that it didn't require an Operation and Maintenance Plan but they offered one because the site is large and has drainage but he doesn't believe it's required under the guidelines. He said the other thing is they are not doing constriction other than grading and maybe an 8'x8' excavation to install fence posts so he doesn't believe he needs an erosion control plan and a pre-notification two days in advance to inspect siltation, he didn't understand. He said the most problematic is to try to provide infiltration on site. He repeated more than once they are not doing any construction work. He said it doesn't fit with what they are doing. He said they were asking for two plans to be approved so they withdrew one and the proposed site plan that includes the waiver request for reduced parking. He said if Eversource ever moves out the applicant would need to go back to the Board. T. Boland asked the applicant to address each condition that was concerning them. W. Bergeron said the conditions are standard and go along with most site plans but there is not construction so they don't need erosion control plan. V. Gingrich said in every decision they require a preconstruction meeting prior to any disturbances, to inspect erosion controls and go over the conditions of approval. She said they would still have the preconstruction meeting for the fence but if it's in the middle of a paved area they would look at it to see if there is any chance of runoff. T. Boland said that since these conditions may not apply, they should still remain and if they do not apply, the preconstruction meeting will be short. There were no concerns from the audience or the Board.

Upon motion duly made and seconded it was unanimously

VOTED: To close the public hearing for Site Plan Review #23-12 and Parking Relief Special Permit #23-04 for 250 Ballardvale Street as shown on plan entitled "Site Plan in Wilmington, Mass.", dated August 8, 2023, last revised September 12, 2023, prepared by William R. Bergeron, P.E., Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880. Said property is located at 250 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcel 23B.

Upon motion duly made and seconded it was unanimously

VOTED: To approve with conditions Site Plan Review #23-12 and Parking Relief Special Permit #23-04 for 250 Ballardvale Street as shown on plan entitled "Site Plan in Wilmington, Mass.", dated August 8, 2023, last revised September 12, 2023, prepared by William R. Bergeron, P.E., Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880. Said property is located at 250 Ballardvale Street, Wilmington, MA 01887 and shown on Assessor's Map R2 Parcel 23B.

This is to certify, at a public hearing of the Wilmington Planning Board (Board) opening on September 5, 2023 and closing on October 3, 2023, by a motion duly made and seconded, it was voted:

We, the Wilmington Planning Board, as requested by BVALE 250 LLC (Deed book 09259 page 128), under the provisions of Section 6.5 and Section 6.4.3.2 (Parking Relief) of the Zoning Bylaws of the Town of Wilmington and Board's Site Plan Review Rules and Regulations, to consider the designation of an outdoor storage area in the existing parking lot, as shown on plan entitled "Site Plan in Wilmington, Mass.", dated August 8, 2023, last revised September 12, 2023, prepared by William R. Bergeron, P.E., Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880, submitted on August 14, 2023, (the "Site Plan") (the "Project"), do hereby vote to **APPROVE** the Site Plan and the Project, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the Site Plan were submitted into the public record:

Description

"Heavy Duty Cantilever Slide Gate" detail revised October 27, 2011

Gate Narrative dated September 19, 2014 provided by Jamie McManus

"Equipment Storage Plan in Wilmington, Mass." Dated April 27, 2023, prepared by Hayes Engineering, Inc.

"Operation and Maintenance Plan and Long-Term Pollution Prevention Plan" dated August 2, 2023, prepared by Hayes Engineering, Inc.

"Racking Layout, Building 1 – Wilmington, Eversource" dated August 16, 2023, prepared by Bode Equipment Company

Outdoor Storage narrative, dated August 30, 2023, prepared by Jennifer Cox, Eversource Energy

FINDINGS:

1. The Project site is shown on Map R2 Parcel 23B on the Site Plan.
2. The proposed Project includes the designation of an outdoor storage area for Building #1, requiring 140 parking spaces. The approval is for the provision of 24 parking spaces for Building #1 with 173 parking spaces on the overall site.
3. The Planning Board determined that in accordance with Section 6.4.3.2, the reduction in parking spaces can be granted without substantial detriment to the neighborhood.

4. The Site Plan contains a design that is sufficiently developed to provide the basis for the Board's determinations regarding the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
5. The development of the site as set forth in the Site Plan and ancillary materials submitted by the Applicant complies with the provisions, requirements, standards, and guidelines of Section 6.5 of the Wilmington Zoning Bylaws and the Board's Site Plan Review Rules and Regulations.
6. The Applicant satisfactorily addressed the comments made or submitted by the general public and various Town of Wilmington departments except as contained in specific conditions that follow.

CONDITIONS:

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

GENERAL:

1. The Project shall be constructed and operated in accordance with the Site Plan.
2. This Special Permit granted for Parking Relief for 250 Ballardvale Street shall be valid for the proposed use only. Any change in tenant for Building #1 shall meet the parking requirements or apply for a Special Permit.
3. The Project shall obtain approval pursuant to, and be constructed and operated in accordance with, all applicable local, state and federal bylaws, statutes, ordinances, rules and regulations.
4. If no substantial construction has commenced within two (2) years of a Site Plan approval and a Special Permit approval, the approval shall lapse and a new application, fees and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, within twenty (20) days after the decision has been filed with the Town Clerk. The two-year period shall run from the date of the final decision on the appeal.
5. The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or contract.
6. The Project shall conform to all existing Massachusetts Laws, Regulations and Applicable Codes regarding fire protection and building safety standards.
7. All provisions of the Wilmington Zoning Bylaw pertaining to parking (Section 6.4) shall be met unless an exception is specifically provided in this decision.
8. Any revisions shall be submitted to the Director of Planning & Conservation for review. If these are deemed substantial, the Applicant must submit revised plans to the Planning Board for approval. Minor field adjustments may be approved by the Director of Planning & Conservation.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

9. The Wilmington Fire Department shall review and approve building plans.

PRIOR TO THE START OF CONSTRUCTION:

10. The Operation and Maintenance Plan shall be revised to include an exhibit plan showing the drainage infrastructure on the property.

11. The Operation and Maintenance Plan shall be recorded at the Registry of Deeds.
12. A pre-construction meeting shall be scheduled with the Department of Planning & Conservation and Town Engineer. The developer shall submit a construction schedule at the time of the pre-construction meeting.
13. At the time of the pre-construction meeting, the Applicant shall provide evidence that all required local, state, and federal permits and approvals have been obtained.
14. The Applicant shall demonstrate compliance with NPDES Construction General Permit filing requirements and shall submit a copy of the Stormwater Pollution Prevention Plan to the Department of Planning & Conservation and Engineering Division.
15. Erosion controls shall be installed around all areas of work as a limit of disturbance and shall be inspected by the Department of Planning & Conservation at least two (2) business days prior to the start of construction.
16. Notice of start of construction shall be distributed to abutting properties two (2) weeks prior to the commencement of work.

DURING CONSTRUCTION:

17. During construction, work shall not start before 7:00 a.m. and shall be completed by 7:00 p.m. No work is allowed on Sundays and holidays. Construction equipment shall not be started before 7:00 a.m.
18. The Applicant shall give reasonable notice to the Engineering Division for inspection prior to backfilling any proposed underground stormwater management system or installation of any other critical design components.
19. It is the responsibility of the Applicant to adhere to the Town's Earth Removal Bylaw (Section 32 of the Town's Inhabitant By-laws) and file for a permit through the Board of Selectmen, if necessary.

POST CONSTRUCTION:

20. The Owner shall maintain the Project site in a clean and tidy condition clear of debris and trash.
21. The Owner shall maintain or replace landscaping and fencing as shown on the approved Site Plan for the duration of the use. The Owner shall use best practices to maintain the required landscaping and fencing in presentable and healthy condition.
22. The Owner shall use good housekeeping practices as outlined in the Operation and Maintenance Plan to maintain the site and keep it in good working condition. The Owner shall provide copies of completed maintenance and inspection logs for the construction period and copies of logs of the long-term pollution prevention plan to the Department of Planning & Conservation.
23. The Project shall be operated in accordance with the Operation and Maintenance Plan. The operation, maintenance, repair and replacement of all drainage structures constructed pursuant to the Project shall be the Owner's responsibility.
24. Snow exceeding snow storage areas shall be removed from the site within seven days following a snow event to ensure adequate parking and circulation.
25. Snow shall not be pushed into stormwater management areas, and drainage structures shall remain clear of snow.
26. Final As-Built Plans shall be submitted to the Town Engineer and Director of Planning & Conservation in form(s) and format(s) acceptable to them.

Continued Public Hearing – 250 Andover Street - Map R1 Parcel 302 - Site Plan Review #23-13 and Stormwater Management Permit #23-12 - Stephen Albano, Applicant

A request to extend the action deadline and continue the public hearing was received.

MATERIALS CONSIDERED:

LETTER from Devin Howe dated September 26, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #23-13 and Stormwater Management Permit #23-12 for 250 Andover Street to November 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #23-13 and Stormwater Management Permit #23-12 for 250 Andover Street to November 7, 2023 at 7:45 p.m. in the Town Hall Auditorium.

Continued Public Hearing – 708R Woburn Street – Map 57 Parcel 54E - Conservation Subdivision Special Permit #23-01 – S&K Associates, Applicant

A request to continue the public hearing was received.

MATERIALS CONSIDERED:

LETTER from Attorney Michael J. Newhouse, dated September 26, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Conservation Subdivision Design Special Permit #23-01 for 708R Woburn Street to November 7, 2023 at 7:50 p.m. in the Town Hall Auditorium.

Continued Public Hearing – Definitive Subdivision #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street - Map 5 Parcels 2J, 3, 3A, 3C, 3D, & 3E - Craig Newhouse, Applicant

PRESENT IN INTEREST: Kristen Costa, L.A. Associates
Craig Newhouse, C.S. Newhouse Builders, Inc.

MATERIALS CONSIDERED:

PLAN "Definitive Subdivision Plan, Eagleview Subdivision, Marion Street, Wilmington, Massachusetts" dated December 8, 2021 and last revised August 14, 2023, Pre Development Water Shed Map dated April 14, 2022 and last revised August 14, 2023

STORMWATER MANAGEMENT REPORT dated December 8, 2021 and last revised August 21, 2023

RESPONSE LETTER from C.S. Newhouse Builders dated August 21, 2023

ENGINEERING MEMO dated September 18, 2023

LETTER from resident's daughter, Melissa Glidden

K. Costa told the Board at a recent Conservation Commission meeting it was suggested that they should consider shortening the roadway. She said the comment was to shorten the roadway and

access the two lots with a shared driveway. She said they do not prefer that and do not feel it is good planning. She said it will cut off access to the abutting property. She said if they shorten the road, it will landlock that parcel because the land from the cul-de-sac to the new homes would be owned by the homeowners and they would have frontage on the cul-de-sac and there would be no other way to access that abutting parcel. T. Boland asked if that was a Conservation meeting comment. V. Gingrich said that was a comment from the Conservation Commission's peer reviewer. She said the second crossing is what needs to be justified and the impact of it. K. Costa said the CMR for the wetland protection act gives the Planning Board the right to approve the length and width. She said they came before the Planning Board so that they could report back to the Conservation Commission. She said the length of road is also what the Planning Board has the right to approve. She said they are asking for the opinion of the Board to report back to Conservation. She said if they pull back the road before the crossing, the driveways to the new lots would be 350' to one and 600' to the other so there is concern for safety with the length. She said access to the other parcel is their main concern.

M. Glidden requested to speak on behalf of her mother, J. Merrill who is in the back but her ALS has progressed and takes too much out of her to speak. She said her mother owns the property at 73 Marion Street. She asked that the Board approve the road as proposed with the cul-de-sac. She said her family has been on Marion Street since the 1800's and the house her mother's father and his two sisters were born in still has the foundation visible. She said the land being developed abuts more of their land that they plan to develop and with the cul-de-sac they will have access to the land. She said if the Board supports the shared driveways, they would be sold and that would deprive them access to the many acres they plan to develop in the future. She said the project started two years ago and she would like her mother to see her dreams of this development come to fruition while she is still able to. She thanked the Board for their consideration. S. Hennigan said after the second crossing it would be a straight driveway split off to the houses. K. Costa said before the crossing. C. Newhouse said if the road was shortened then he showed on the plan where the cul-de-sac would go. K. Costa said the only reason for the shared driveway would be to avoid the crossing. She said when there is future development, they would be disturbing the wetlands a second time. C. Newhouse said the wetlands they are filling are under the threshold. He said the Conservation Agent for the town is trying to have them show there is alternative access. He does not want to leave the land landlocked. C. Newhouse said he is unsure if there is more behind the scenes and maybe someone doesn't want him doing this and there is another reason to shut this down. He said it has been difficult getting the questions answered along the way. He said in his experience, typically, the Planning Board would have him go to the end of the lot line and not have him landlock a property that is potentially buildable. He said he can't do a complete development because he doesn't own all the property. T. Boland said it's the first the Board is hearing about the issues with the crossing. V. Gingrich said the second crossing was a comment that Mary Rimmer made from the very beginning of her review. She said it was an issue that they would have to show that getting across there was the only way to accessing those lots and every time revised plans are submitted, that has not been answered. V. Gingrich said M. Rimmer made this comment from the very beginning. The Conservation Commission approves wetland disturbance only if it's necessary and they look to see if the disturbance is also minimized. She said those two lots can be accessed without a roadway crossing. She said they can reach those lots in a different way. V. Gingrich said they can't prove that's the only way to reach those lots. She said they are not showing the benefit. She said if something happened and this didn't go any further for some reason, and the other piece was sold and the person that bought it didn't want to develop it, and the development didn't continue, that wetland crossing would be a wetland crossing that is not worth the impact. She said breaking up the project makes it impossible to meet that conservation metric of minimizing the disturbance and justifying the crossing. V. Gingrich said nothing is stopping the developer from doing something in the future and K. Costa said they no

longer own the land. V. Gingrich said the Conservation Commission does not care about land locking. She said the Conservation Commission approves wetland disturbance. She said you can get the Planning Board's review and approval on the subdivision road but the Conservation Commission is the one that has to approve the crossing. K. Costa said the applicant must design the roadway with the minimum width and length to the approval of the Planning Board. She said if the Planning Board feels you shouldn't land lock somebody's property, then if that's the opinion of the Board, they would love to share it. C. Newhouse said like at Muray Hill, he bought 8 acres so there is a 3rd lot maybe by a Form A. T. Boland asked if the Board is talking about something that requires a Planning Board vote. He said the Planning Board can say they love the plan but if the Conservation Commission does not, the applicant cannot move forward. S. Hennigan said if the Board likes the width and length of the original plan and they go the Conservation Commission and they say no, it's over. C. Newhouse said it depends on which hat you're wearing, and T. Boland said he wears the Planning Board hat. C. Newhouse argued that from a Planning Board perspective it seems straight forward to him, and K. Costa said if the Board agrees they would like to share it with the Conservation Commission. T. Boland said this is the plan the Board has been working on and C. Newhouse said he has spent a lot of money on printing that he can't get back. T. Boland said the Planning Board is not the one that says the wetland crossing works if the Conservation Commission says it does not work all the approvals in the world won't help this plan. C. Newhouse said DEP Regulations say the Planning Board makes the determination of the length and width. S. Hennigan said it sounds as though if this is going to work for the Conservation Commission, the developer needs a shared driveway. He said the Planning Board is satisfied with the plan. T. Boland asked what precludes the access through a Form A or whatever and you end with a driveway instead of a fully built out street. R. Holland said if they build a driveway where they have an easement or layout for future development you may disturb the wetlands twice. T. Boland asked what they are looking for from the Board. K. Costa asked the Board to share there opinion that they prefer this plan. He said the Board does not want the land disturbed twice and prefers that it be disturbed as little as possible. C. Newhouse said the Board prefers not landlocking property. C. Newhouse said they are not looking for approval from the Board. K. Costa asked the Board if they would consider a waiver to the width of the road. R. Holland said it would be fine if there were no wetlands. T. Boland said if there weren't wetlands, this is the road the Board would go with but there are and that is where the Conservation Commission comes in. T. Boland asked if the applicant wanted to address the Town Engineers memo that was quite long with a lot on does not complies listed and K. Costa said they are not prepared for that. C. Newhouse said for the first year in a half they did not get a lot of feedback from the Town Engineer but now he is providing feedback and K. Costa said it is more detailed.

Upon motion duly made and seconded it was unanimously

VOTED: To extend the deadline for action for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive off Marion Street to November 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Definitive Subdivision Plan #21-01 and Stormwater Management Permit #21-15 for Eagleview Drive to November 7, 2023 at 8:00 p.m. in the Town Hall Auditorium

Continued Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street - Map 44 Parcel 178B Gabriel Schuchman, Alrig USA Development, LLC, Applicant

A request to extend the action deadline and continue the public hearing was received.

MATERIALS CONSIDERED:

SEWER CONNECTION AND SEWER CAPACITY ANALYSIS dated September 21, 2023
E-MAIL from Katie Olyha dated September 28, 2023

Upon motion duly made and seconded it was unanimously

VOTED: To extend the action deadline for Site Plan Review #22-16 and Stormwater Management Permit #22-13 for 208 Main Street to November 30, 2023.

Upon motion duly made and seconded it was unanimously

VOTED: To continue the public hearing for Site Plan Review #22-16, Stormwater Management Permit #22-13 and Ground Water Protection District Special Permit #22-05 for 208 Main Street, Map 44 Parcel 178B to November 7, 2023 at 8:10 p.m. in the Town Auditorium.

Board of Appeals

None

Old Business

**Board of Appeals Case 4-23 for 79 Nichols Street – Map 35 Parcel 29
Golden Realty Trust, Applicant**

V. Gingrich said there is nothing new to discuss.

New Business

Request to endorse plan for 203 Lowell Street – Map 48 Parcel 73 – David Roache for 203 Lowell St. Owner LLC, Applicant

MATERIALS CONSIDERED:

PLAN “Wilmington Retail Special Permit, 203 Lowell Street, Wilmington, MA 01887”, dated August 22, 2023

V. Gingrich said the appeal period is up October 11th so the Board can wait to sign the plan following the appeal period or the Board can sign the plan now and the Planning Department will hold it until October 11th. The Board decided to sign and let the Planning Department hold plans until October 11th.

Upon motion duly made and seconded it was unanimously

VOTED: To endorse plan entitled “Wilmington Retail Special Permit, 203 Lowell Street, Wilmington, MA 01887”, dated August 22, 2023, prepared by Douglas E. Lees, P.E., P.L.S., Land Engineering & Environmental Services, Inc., 130 Middlesex Road, Tyngsboro, MA 01879, and Michael D’Angelo, R.L.A., MDLA, 840 Summer Street, Suite 201A, Boston, MA 02127, and Alberto Cabre, R.A., Joe The Architect, LLC, 343

Medford Street, Suite 4C, Sommerville, MA 02145. Said property is located at 203 Lowell Street, Wilmington, MA 01887 and shown on Assessor's Map 48 Parcel 73.

**Site Plan Review Waiver Request #23-09 - 386 Main Street – Map 42 Parcel 13
West Real Estate, Applicant**

PRESENT IN INTEREST: Frank & Karen West, West Real Estate

MATERIALS CONSIDERED:

SKETCH & ESTIMATE dated July 8, 2023

NARATIVE from Frank West dated September 26, 2023

WINDOW & SIGN QUOTE dated July 10, 2023

F. West told the Board he and K. West own the business and the property at 386 Main Street. He disclosed that he is a Select Board member and he said he submitted disclosure paperwork to the Town Clerk. He said they applied for and received a grant from the Economic Development Committee for a little over \$19,000 in grant improvement funds. He said the money will be used for three different things. He said they will be replacing a single pain window with a double pain bay window. He said in the front of the building there is a brick patio and they are replacing the red pavers with gray ones with a darker border. T. Boland asked if it will go from pavement to pavement. F. West said yes and the strip of grass will have pavers. V. Gingrich told the Board this does not require Site Plan Review.

Upon motion duly made and seconded it was unanimously

VOTED: To approve the request to waive Site Plan Review for 386 Main Street for the replacement of the single pane window in the front of the building with a double pane bay window as well as replace the old brick front patio with new pavers.

Bruning Road Rezone

PRESENT IN INTEREST: Kristen Costa, L.A. Associates
Joseph Langone, Northeastern Development Corporation

K. Costa provided the Board with a package which included a zoning, map, wetland map, flood zone map, road improvement sketch and a letter he sent to abutters. She said J. Langone is looking to rezone his R60 property because all around it is R20 and R10. He wants to rezone it from R60 to R20 in order to gain 4 building lots and he will correct the drainage issue existing in that area. She said Dorchester Street has drainage that is piped over and there are outlets near the corner of Bruning across Second Avenue over to Edgeworth. She said it's running down the road and in the winter it's freezing and heaving. She said J. Langone is proposing to correct this problem. She said the little parcel on the corner of Second and Brining is owned by the town and J. Langone would construct a detention area there to manage the runoff from the pipe. T. Boland asked if she said the detention area would be on the town land and K. Costa said yes because it crosses there right now. J. Langone said water migrates across the road at the intersection of Bruning and Second and when it freezes it pops the asphalt. J. Langone said that the whole section would have to be reclaimed, which means digging it all out. V. Gingrich asked if anyone looked at the town owned parcel to see if it would be considered to be a wetland. J. Langone said it is all pine trees, so he is assuming it is not wet. R. Holland said the plan shows both ponds on the developer's property and J. Langone said they would prefer using the town's property if they could. He said all the drainage from Dorchester Avenue

comes down and migrates across. R. Holland asked if #9, #11, #15 and #7 are built and J. Langone said he built them in 1985. P. Moser asked if they will put a pipe across the paper street. J. Langone said he would love to pipe it but the Conservation Agent and the Town Engineer will probably want a swale. P. Moser said he mentioned it because there have been problems putting drainage in other paper streets. J. Langone said a drainage swale would be less maintenance. He said he received some calls with people in favor of this. He said they received a call from one person against it on Dorchester Street because he wants all of Dorchester Street paved. T. Boland asked what shape Dorchester Street is in because he knows Second Avenue is brutal. J. Langone said the end of it is roughed up and they are trying to get the town to accept it. T. Boland asked if there are wetlands in the area and V. Gingrich said you can't trust that the GIS maps show wetlands accurately so there may be wetlands that are not shown. T. Boland asked how big the houses are. J. Langone said the houses in the area are all capes and splits with a gambrel roof. P. Moser asked what happens to Bruning Road when it crosses town line. J. Langone said he would have to talk to the town of Billerica. T. Boland asked what he is looking for from the Board. J. Langone said he is looking for support at town meeting. T. Boland asked what the alternative would be and J. Langone said a lot of people with horses have reached out because you need an acre of land in Wilmington. T. Boland asked if all the trees would be dropped and J. Langone said he would only remove enough for the house and driveway. R. Holland asked if he would go to Billerica and discuss what he is proposing before Town Meeting and he said rezoning would be first. T. Boland asked how it would work if the town needed to do drainage on town land. V. Gingrich said it depends. K. Costa said J. Langone could petition the town for it's parcel for drainage. V. Gingrich asked if they will be presenting the idea of using the town-owned parcel when they propose the rezoning at town meeting and J. Langone said he would talk to the Town Engineer and maybe the Select Board or maybe just not even bring it up. T. Boland said that is what will create the most questions. J. Langone said that as V. Gingrich pointed out, there may be wetlands but he doesn't believe that's the case.

Discussion

As Of Right Multi-Family Zoning District - MBTA Communities Zoning Requirements (Section 3A)

V Gingrich told the Board she is going to Select Board next week to brief them and then she will have K.P. Law review what the Board decides on at this meeting and prior to the November meeting she said she will provide the Board with the complete draft of the district and November 8th it will be submitted to the State to review because they want 3 months to review the draft to provide comments. T. Boland asked when they could expect the draft and V. Gingrich said she will send the Board the draft she sends to Town Counsel following the Select Board meeting. She said through the survey the 3-story max height was figured out and figured out 20% open space and some parking requirements, 1 ½ spaces within ½ mile from train seemed appropriate and 2 spaces outside that area. She said at last meeting other options were discussed like Concord/Fordham corner (Cummings property) will not come up with enough units to serve as a complement to Main Street. She said the parcel to the north would have to be included (where Amazon and Locus Robotics is) so it did not seem like a great option and West Street seemed like a better option. She said the Board looked at the landlocked area in North Wilmington (I-93 and Krochmal Farm) but it's not enough to come up with the number of units and the other problem with that area is there is the Sutton Brook disposal area is adjacent to it and there are a lot of environmental constraints in that area so she talked with the Health Director who told her that if asked at Town Meeting, she would have to say it's not appropriate. T. Boland said Concord Street is definitely out and the Board agreed. He asked what the survey said and V. Gingrich said the survey response said West

Street was the favorite outside the half mile. T. Boland asked if Concord/Fordham was on it and V. Gingrich said it was not but it was a suggestion by 1 or 2 people. T. Boland said Concord Street/Fordham Street area is built and West Street is not. He said people that are in favor of more building, which is nobody, won't be happy. He wonders if Concord Street would be easier to pass at Town Meeting. He asked if Concord Street is Commercial, and V. Gingrich said it's Highway Industrial. V. Gingrich said West Street has the corner that is approved as a 40B and then the self-storage with residential houses in between and then Regency Place. T. Boland said West Street is the best choice and the Board agreed. V. Gingrich said if you use 1.5 parking spaces on Main Street within the half mile, it was tested with 1.25 parking spaces so with 1.5 spaces, a little more area is needed. A couple suggestions in the survey say to add Deming Way which is in the half mile circle and an existing affordable multi-family, which is owned by Housing Authority. She said adding Deming Way would solve the parking ratio problem. V. Gingrich talked about the ground floor commercial requirement. She said if ground floor uses are required in a portion of the district, up to 25% of the district, the ground floor units will be lost in the unit capacity count. She said if there is a requirement in the Main Street district from the corner where the train station is up to the Hyundai Dealership, the town needs to make up for the lost units. V. Gingrich said there are some that R. Holland suggested adding another story and V. Gingrich said 4-stories were not the most popular answer survey wise. She said the parking requirement could be reduced for Deming Way from 1.5 to 1.25 and right now they have less than 1 per unit. A. Marcolina asked if the spot on the other side of the bridge that abuts the train tracks on the other side of the bridge would be included because nothing seems to last there and V. Gingrich said that would be ground floor commercial. A. Marcolina asked if that could be excluded because commercial doesn't work there but she believes residential would survive. V. Gingrich said the requirement could be started further north. P. Moser asked what the draw is to have ground floor commercial because it's not required and V. Gingrich said it's not required and it was just recently allowed. She said there is some good pushback against making a commercial Main Street fully residential and losing those commercial uses will change the character of Main Street and not create a mixed-use walkable streetscape. V. Gingrich said there are folks that don't like that so you might win them back with adding commercial use in the ground floor. She said the ground floor becomes a lot more private if it's all residential but there are ways to mitigate that. R. Holland talked about Olsen Way and how it was supposed to have a commercial unit but they couldn't get anyone to go in there so they made it all residential. V. Gingrich said the corner parcel referenced earlier is 16 units total and if the Board feels it's inappropriate to require ground floor commercial and adjustment can be made to where commercial should go but it wouldn't result in much unit number change. A. Marcolina agreed with keeping the corner in the ground floor required area and asked what the parking at Deming is now and V. Gingrich said less than 1. A. Marcolina said this plan proposed would give them 1.25. V. Gingrich said $\frac{1}{2}$ the units have to be within the half mile. V. Gingrich said if you go to 1.25 at Deming Way, we are good. T. Boland asked how good and V. Gingrich said we have 646 within the half mile and Deming Way is within a half mile. T. Boland asked why 1.25 and not 1.3 and V. Gingrich said you need to be at 1.25 to make the difference in the unit calculation in the state's spreadsheet. T. Boland asked if the Board should consider having a second proposal on hand and V. Gingrich said they will need to propose only one. P. Moser asked if the ground floor commercial hurts or helps the economics. V. Gingrich said for the developer, it's better to do all residential. The Board agreed that ground floor commercial should be on Main Street. V. Gingrich said the reason Jefferson Road wasn't selected is because the parcels involved go back and include landlocked property that has environmentally sensitive areas all around it. The Board agreed to proceed with Main Street/Deming Way/West Street.

Update on Construction Projects

There were no updates.

There being no more business to come before the Board, it was unanimously

VOTED: To adjourn the meeting at 9:42 p.m.

NEXT PLANNING BOARD MEETING: November 7, 2023

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheryl Licciardi".

Cheryl Licciardi
Recording Clerk

