



**TOWN OF WEST BOYLSTON PLANNING BOARD** [planningboard@westboylston-ma.gov](mailto:planningboard@westboylston-ma.gov)  
140 Worcester Street \*\* West Boylston MA 01583 \*\* Phone 774-261-4073

## **SPECIAL MEETING MINUTES**

### **September 28, 2023**

Members Present: Barur Rajeshkumar, Vincent Vignaly, Francesco Lopriore, Kevin LaClaire

Members Absent: Marc Frieden

Others Present: Jennifer Warren-Dymont

**All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.**

The Chair opened the meeting at 7:00 p.m.

Nuha Circle – Street Acceptance Report to Select Board – Mr. Ali was present. Mr. Rajeshkumar said the Select Board met last night and referred the request to accept Nuha Circle Definitive Subdivision as a town road to the Planning Board for their recommendation. VHB provided a report dated September 27, 2023 with a summary of the conditions for the detention basin, meandering drainage easement, and straight drainage easement. There was a concern with the grading of the straight drainage easement and clearing of the debris. Mr. Ali said they started to clear the areas today and will finish Monday. Mr. Rajeshkumar referred to the document list of outstanding Nuha Circle issues dated July 7, 2022 and last revised June 28, 2023 as well as an email from the previous DPW Director stating that he inspected items 6, 7, 8, 9, 10 and the work has been completed. All documents have been submitted and reviewed by Town Counsel. There is one item not completed in Section 10.2 of the Homeowners Association document. The management will be transferred to the homeowners after the town accepts the road.

Mr. Ali said there was a question of the cost for the system to be maintained. Mr. Vignaly explained that the HOA is required to do operation and maintenance of the stormwater system. It details what needs to be done, e.g., mowing of the basins, mowing of the easements, maintaining the structures, and in ten years or so a more in-depth cleaning of stormwater basin and the pipes if needed. VHB noted in their report that cost estimation in Section 10.2 in the HOA was blank. Mr. Ali said it's approximately \$800 to mow the areas.

Mr. Rajeshkumar wanted to address a homeowner's concern from the last meeting who said her deed didn't have any reference to the HOA. Mr. Rajeshkumar read Section 3.5 of the Nuha Circle Homeowners Association Maintenance Trust and Declaration of Documents which states that subsequent homeowners that purchase the lots are included. Mr. Ali said it goes with the land, not the homeowner; anyone who purchased a lot is in the HOA regardless of whether it's on their deed.

Mr. Vignaly questioned the wording in the referral because an easement was changed from the approved subdivision plan. The Town Administrator said the motion made at the Select Board meeting and the article for town meeting warrant referred to the original 2014 recorded plan as opposed to the as-built plan; the deviation between the two is the location of the easement. Town Counsel said we are laying out the street and that is strictly about the metes and bounds for the road. If they are the same on

both of the plans, then the location of the changed easement is not going to be an issue. She also said a resident contacted the Select Board with a concern of whether or not the sidewalks were ADA compliant. The Building Commissioner checked today and in his estimation they are ADA compliant. She has asked VHB to formally put his assessment on their letterhead to have documentation for the file. Mr. Rajeshkumar said he would ask.

Mr. Vignaly made a motion to issue a recommendation to the Select Board to proceed with the vote on the warrant article to accept Nuha Circle. In the meantime, the board will get confirmation of ADA compliance from VHB. Mowing and cleaning of the drainage easements will be completed and the board will receive the annual cost estimate for the Stormwater Operation & Maintenance reviewed by VHB. The Town Administrator said a short report is needed, not only a recommendation, to the Select Board no later than tomorrow. Mr. Lopriore seconded the motion; all voted in favor; motion approved.

Mr. LaClaire made a motion to adjourn; Mr. Lopriore seconded; all voted in favor; motion approved.

The meeting was adjourned at 7:25 p.m.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Marc Frieden, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich