



PUBLIC HEARING MEETING MINUTES
73 West Boylston Street
10-Unit Townhouse Development
October 13, 2021

Members Present: Paul Anderson (Chair), Marc Frieden, Vincent Vignaly, Sarah Miles, Barur Rajeshkumar

Members Absent: None

Others Present: See attached Sign-In Sheet

The Public Hearing was opened at 7:05 p.m. The hearing notice was read into record. Mr. Ali requested a continuance saying the revisions required by the review from VHB are not complete. Mr. Ali said is trying to accommodate the Wachusett Estates residents but has to wait for the review from VHB. The neighbors had a concern about the turnaround; he is working with the Fire Chief to see if they can change the turnaround to one side and move it in front; it is a work in process. Proposed are ten townhouses on 2.5 acres. Mr. Vignaly asked if the issue with the property ownership had been taken care of. Mr. Ali said the property line has been defined. Mr. Vignaly said the sight line going south on West Boylston Street is an issue and is a concern of the Police Chief.

Attorney Jared Fiore (Bowditch & Dewey) represented the Wachusett Estates Condominium Trust and said there is a dispute about the ownership of the land that has not been resolved. A lawsuit has been filed and a hearing is scheduled for Friday for a preliminary injunction to prevent anything from being done with the land in dispute. He explained that there is a dispute over what Wachusett Estates Condominium Trust owns by deed. They have been using the land for decades, such that they have acquired title of it by adverse possession; the true land owner by deed does not have the right to come back and repossess it.

Mr. Frieden asked if the grade for the houses would be significantly higher than the property behind it. Mr. Ali said it would be slightly higher. Screening will be needed so headlights are not shining onto the neighbors' property. Mr. Vignaly asked if soil testing was done because there is shallow ledge in that area. Mr. Ali said soil testing was done and everything came back the same as it was previously. He was asked about a lighting plan; he did not have one and was told he needed one. He said any signs will be according to zoning. He would need a private hauler for trash; the board will want to see notes on the plan. Regarding snow storage, Mr. Ali said there is plenty of room; it needs to be on the plan as well. Parking has two spaces in the garage and two on the driveway. It will be sprinkled. Mr. Frieden asked what he would do if he could not get the land. Mr. Ali said he would come back and amend it.

The Chair asked for public comment. Jacqueline Leonardo (7 Nuha Circle) commented that Mr. Ali has come in unprepared again, and there are still two ongoing projects owned by Mr. Ali in town that are not complete. She questioned if he was the correct builder for our town and if there was anything to do to stop this one from happening. She felt he has no regard for the laws and procedures in place or perhaps he doesn't know. As a resident in Nuha Circle, also developed by

Mr. Ali, it has been four years of hard work getting things completed properly and doesn't want to see another resident go through what she has had to.

Dave Galena (182-2 Worcester Street) is a retired Police Officer with experience with accident assessment and he had concerns with land issue as well as the safety of the entrance and exit. The line of sight is 132-feet; the speed limit is 35 mph. He is concerned about serious motor vehicle accidents. One resident commented that the trash trucks will not be able to make the right turn and they should find a different way to alleviate it.

Mr. Rajeshkumar made a motion to continue to public hearing to December 8, 2021 at 7:05 p.m.; Mr. Frieden seconded; all voted in favor; motion approved.

Date Accepted: _____

By: _____
Vincent P. Vignaly, Clerk

Submitted by: _____
Melanie Rich