



**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

## **PUBLIC HEARING MEETING MINUTES**

### **Westland Circle Extension**

Amend Conditions of Approval #2 and #15 of the Certificate of Approval  
of the Definitive Subdivision Plan of Westland Circle  
and Stormwater Management Plan dated May 9, 2018  
**November 8, 2023**

Members Present: Barur Rajeshkumar (Chair), Vincent Vignaly, Marc Frieden, Francesco Lopriore, Kevin LaClaire

Members Absent: None

Others Present: Igbal Ali, Town Administrator, Westland Circle Residents Diane Bashaw and Randy Chavoor

The public hearing was opened at 7:15 p.m. The hearing notice was read into the record. Mr. Ali was present. He is requesting an amendment for the sewer operation and maintenance to be accepted and to eliminate the walking trail from the Homeowners Association (HOA). Mr. Rajeshkumar said Condition #2, the sewer system, was to be maintained by HOA but the Selectboard agreed that the town will take it over. It will have to go to a town meeting for road acceptance.

Condition #15, the walking path, is in question and was discussed tonight. Mr. Rajeshkumar said during the Subdivision Plan Review for Westland Circle, the developer requested a waiver from the sidewalks and agreed to create and maintain a walking path by connecting the end of the cul-de-sac up to Lawrence Street. Mr. Ali does not want to do that any longer but hasn't made any suggestion/proposal to the town as to why the board should approve it. Mr. Vignaly said originally there were going to be two sidewalks but that was waived to make the connection to Lawrence Street. The subdivision has been approved and a couple of the lots were sold before the HOA was recorded and they were not required to join. The town does not have to accept the road. Mr. Ali said the whole neighborhood doesn't have any sidewalks. Mr. Vignaly agreed but said that was because it predated the subdivision regulations. The connection is a benefit to the town so people can walk from the Prescott Street neighborhoods to Route 12 and Woodland Park. Mr. Ali felt it would be best for the community to eliminate it because the homeowners are not qualified to take care of it and it's an unnecessary liability for them. Mr. Frieden read from the 5/9/2018 Meeting Minutes indicating in exchange for the sidewalks the developer agreed to construct and maintain a walking path. Mr. Ali asked the board what the solution is. He said he would leave everything as is and get options from the Planning Board. Mr. Vignaly said the board is open to his options/proposals but believes it should be built according to the plan. Mr. Ali said it was built and was told it is not built according to the plan. It is noted in VHB's review that it's uneven and the grading needs to be corrected. Mr. Frieden said originally the walking path was to be right over a water line but there was a change in the water line. HS&T, who prepared the as-built plan, redrew a new path that has nothing to do with the water line. Mr. Rajeshkumar said the people from Prospect Street can walk across and go to Woodland Park. He said it's an approved plan and Mr. Ali will have to maintain it. The issue is not building it, it's maintaining it and the question of liability.

Diane Bashaw (32 Westland Circle), a resident of four years, hasn't seen anyone use it. In January of 2021 while walking her dog on the path said she fell and shattered her wrist. She said it's a liability to own the path and none of the homeowners want it. She didn't think sidewalks are necessary in a cul-de-sac with 8-9 houses. Randy Chavoor (34 Westland Circle) owns part of the path. He said no one uses it and he doesn't want to be liable for it. He also agreed there is no need for sidewalks. Mr. Frieden noted that not only does the approval waive sidewalks, but it also waives a park in the area. Bashaw asked why it couldn't be an extension of the Water Department but was told there was an easement over the piping. It was suggested that Mr. Ali hire someone to figure to provide options. The Planning Board will make the decision but will not tell him how to go about it. Mr. Ali said his attorney told him to file for an amendment. If it's not approved, he will have to maintain it which he felt was blackmail. Mr. Vignaly explained that the process for subdivision approval is clear and is in the subdivision approval regulations. Mr. Ali said he can't do it and said there is a glitch in the system. He was told there was no glitch, the approval has been in place for 5-7 years, and everything was there that he could have followed; he didn't do everything right. Mr. Ali acknowledged that he did make a mistake by filing the HOA late. There is an easement on the plan and it is in the approval, but not the HOA. Bashaw said they were there before the HOA was created and felt the onus should fall on the town. A building permit was not supposed to be issued until the HOA was created. She thought those items could be removed from the approval and they can establish an HOA and the town can take over the road. Mr. Vignaly would like to keep the path. He has spoken to several people who use it. He thought it was good where it is; it should be built as it should be; the drainage/icing issue will be gone if it's built correctly. If the board agrees that the project should be built the way it was approved, the hearing can be closed and a decision made, or Mr. Ali can come back with some options. Mr. Ali said he doesn't have any suggestions; he doesn't want to extend the hearing. Mr. Frieden suggested creating an ANR plan and cutting out that piece which would be difficult. Mr. Ali said he can give some money for a park. Mr. Vignaly said it's a sidewalk issue not a park issue. We would look at the value of the loss; the compensation would go to the town to possibly develop sidewalks. Mr. Ali said he could put a money amount to go towards the design of a walking path. He said he would put up a no trespassing sign and call it a day but was told he couldn't do that because it's approved for a public walkway. Mr. Ali said he would get an estimate for a playground and give that dollar amount to the town for engineering or something else.

The Town Administrator was in attendance and said the walking trail accomplished two things: recreation (playground), and not having the sidewalk. We can't be looking at only \$8K for a play space. The cost in today's market to put in sidewalks as if they had been originally required, plus the cost of a play space together. The alternative is that there are sidewalks installed or Mr. Ali keeps the maintenance of the walking trails. We can place that into a fund for other sidewalk projects, and the park component to be used in another park project in lieu of the path.

Mr. Ali asked if it could be amended that he will maintain and be responsible for the walking path. He said that's the easiest solution. He wants the road to be a public road. The Town Administrator said rather than consult with our attorney at this time, that Mr. Ali consult with his attorney on a proposal and consult with the HOA if they have counsel. Once there is something more finalized, we will consult our attorney. Mr. Ali said he will get an agreement and talk to the homeowners. The Town Administrator commented that the HOA will continue into perpetuity; Crescent Builders may not. It would then default to the HOA. Mr. Vignaly said the documents are clear from the Planning Board. The approval was done appropriately. The HOA came after that. Mr. Ali still wanted feedback from the board. Mr. Frieden said we did a lot of work with the sewer and took that off from him. He will have to come up with a legal agreement. Mr. Ali said it's an education for him and the homeowners; he

said it shouldn't be imposed on the homeowners; it shouldn't be done together. Mr. Vignaly said the draft and the model HOA that we use didn't include that water, and sewer on this site. The Town Administrator said he needs to come up with a dollar amount to appease everyone. Mr. Ali will provide two estimate costs for the sidewalk. He asked for a continuance.

Mr. Frieden made a motion to continue the public hearing for Westland Circle Extension to December 13, 2023 at 7:05 p.m.; Mr. Lopriore seconded; all voted in favor; motion approved.

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

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