



TOWN OF WEST BOYLSTON PLANNING BOARD 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
December 13, 2023

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

Members Absent: None

Others Present: Iqbal Ali

From the last meeting, Mr. Ali was asked to obtain two quotes for the sidewalks. Mr. Rajeshkumar said there are no sidewalks and the walking path is not up to the standards. The homeowners feel the walking path is a liability. The board asked if the path to Lawrence Street is not constructed and maintained by the Homeowners Association (HOA), what is the cost estimate for the sidewalks that were waived during the original subdivision approval process? Mr. Ali provided two quotes: (1) BK & Sons Paving for \$10,500; and (2) Ricciardi Bros., Inc. for \$11,600. The DPW Director estimated \$18,233.93 which includes 5% inflation and 15% contingency (\$4,207.84); without inflation the estimate is \$14,026.10. Mr. LaClaire clarified that the town doesn't necessarily want sidewalks there; it's more of what it would cost vs. the walking path.

Mr. Vignaly explained that the original approval had the pathway because it created connectivity which is required under the subdivision regulations to make a pedestrian connection to Lawrence Street. The board at the time voted that they didn't need sidewalks, but preferred a connection to nearby neighborhoods and between sections of town via a pathway. The request now is to not have the pathway. There are two issues: (1) the value of the sidewalks that was traded for the pathway, and (2) the loss of connectivity because the pathway should be constructed and maintained as approved on the original plan.

Mr. Lopriore commented that if people want to walk it they will; he didn't think the HOA or the town should have the liability, just leave it be. Mr. Vignaly said there is a right-of-way for the townspeople to walk and pass. If the board waives the Condition, there is no longer a right-of-way for the public to pass over the private property. Mr. Frieden researched and found that there are laws under a Recreational Use Statute for private land that infer that the private landowners do not have any additional liability when there is a walkway on their property. Mr. Rajeshkumar asked who owns the easement; currently it's with the developer and homeowners. Mr. LaClaire asked if it could be posted to use the path at your own risk and note that it is not maintained. Mr. Ali said there is a liability for the homeowners to some extent if it's posted. Mr. Vignaly said specific wording of the motion by the board is needed before finalizing anything.

Mr. Ali said the town has an easement for the Water Department and if there is a walking trail on top of that easement, he thought town would be protected. He is proposing to eliminate the walking path and use the cost of the sidewalks for improvements on another project. The homeowners can do as they

choose. Mr. Vignaly asked do we not want the connectivity that was approved in the original design? If the board, not including himself, don't care about the connectivity that was agreed to, then they eliminate Condition #2 and take the \$18K. Mr. Frieden had concerns about the liability. Mr. Vignaly said the HOA can purchase insurance for liability. The HOA is not established because Building Permits and Certificates of Occupancy were issued by the Building Inspector in violation of the subdivision approval, but it is required before the town will accept maintenance of the road.

Mr. Vignaly made a motion to close the public hearing; Mr. LaClaire seconded; Vignaly/LaClaire/Rajeshkumar/Lopriore voted in favor; Frieden was asked if he had additional questions but didn't and voted to oppose; voted 4-1-0 motion approved.

Date Accepted: _____

By: _____
Marc Frieden, Clerk

Submitted by: _____
Melanie Rich