



**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

**CONTINUED PUBLIC HEARING MEETING MINUTES**

**Definitive Subdivision  
Westland Circle Extension  
April 11, 2018**

Members Present: Vincent Vignaly (Chair), Marc Frieden, Cheryl Carlson, Barur Rajeshkumar, Paul Anderson

Members Absent: None

Others Present: See Attached Sign-In Sheet

**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 continued Public Hearing at 7:30 p.m. Andrew Baum (Summit Engineering) and Matthew Watsky (Malden Brook, LLC member) were present.

Mr. Baum said they have responded and addressed all of VHB's concerns. Revised plans were provided. A traffic impact statement showing the effect an 8-lot subdivision would have on the neighborhood was also provided. There are three exits; one onto Route 12 and two onto Woodland Street. The area is comprised of approximately 138 residential units; the addition of 8 single family lots will result in a potential traffic increase of 5%. The applicant requested a waiver for sidewalks and in lieu opted to provide connectivity for pedestrian access. Rather than have a sidewalk on Westland Circle Extension with no connection of that sidewalk to any other sidewalk, a walkway easement was proposed to enable the requested pedestrian access from Lawrence Street to Westland Circle, thus providing residents on Lawrence Street with pedestrian access to the public park. The board agreed that connectivity to Lawrence Street was required under the regulations and would make a loop for the pedestrians and bicyclists. Ms. Carlson commented that she would rather see sidewalks on busy streets than streets that have less traffic. Mr. Frieden thought changing the requirements for sidewalks could be changed to require connectivity.

Mr. Quist said there should be sidewalks to accommodate the elderly, Veterans, etc. Ms. Dubeau said there should be a stop sign on Davidson Road because there have been multiple accidents. She also felt that access to Lawrence Street would be a new way to Prospect Street. Mr. Baum said that boulders are proposed for the gravel path. The Water Department will be able to access it with maintenance vehicles; it is not intended for emergency vehicles. Mr. Watsky said if the board requests the Homeowners Association to mow the gravel path on a seasonal basis, they will do that; they will do what is required by the subdivision approval. VHB has reviewed the HOA and said it is a standard document but will review it in more detail. Mr. Baum said there is no lighting proposed on the gravel path. Mr. Vignaly clarified for the audience that sidewalks are required in some locations under the subdivision regulations, but not required in the zoning regulations. The only time sidewalks have to be created are in a subdivision or during Site Plan

Review when required for safety on Route 12 or a busy street. The applicant is requesting a waiver to the sidewalk standard.

Mr. Baum addressed VHB's comment letter. Regarding the comment to provide documentation for the access and utility easement, Mr. Baum said they cannot provide any documentation until it is approved and recorded. VHB suggested it be made a condition to provide the documentation when it is recorded.

Soil Testing – VHB suggested it be a condition of approval that prior to the issuance of any building permits, soil tests be performed and provided to the Planning Board. V.B.13 – The easement areas have been added to the plan. V.B.21a – A layout plan sheet has been added to the plan set in addition to labels to identify materials and dimensions. VI.B.6 – Documentation was provided to show there is more than adequate room for the firetruck to turn around. Mr. Baum has not received confirmation from the Fire Chief with regard to not having a curb which would impede multiple pieces of apparatus. VI.C – The waiver request from sidewalks was received. VI.E – A chain link fence has been added around the perimeter of the stormwater basin. A gate is also spec'd out to be provided for access for future maintenance.

VI.I – Mr. Baum explained the piece of property to the south that was development-restricted when it was conveyed. He also explained that the walkway is an impediment for two lots. There is a reference to state law that if you are going to set aside land in a subdivision, there is to be compensation for that land. Mr. Vignaly said with only 8 lots on the land, the board would not push for a park, but discuss the possibly of in kind or in lieu of work with the Parks Committee. He contacted the Parks Committee and was told they haven't heard from anyone. There are projects that are being considered in Woodland Park they could use help with. Mr. Watsky's understanding is that the way the statute works is that if the board requires a park in a subdivision, the town would have to compensate the private property owner for that park plan. Mr. Watsky didn't see the logic to have a park in the space which would cost the town, and in lieu of that requirement want the developer to pay the town to do improvements to the town-owned property. Mr. Vignaly said the town would be required to compensate for the land area that is lost on the property, not for all the improvements to the property. He will research further.

Mr. Baum said they have filed with the Conservation Commission and received a Negative Determination meaning that the work proposed will not impact wetland resources at the site. Revised drainage and calculation booklets were provided as well as traffic trip generation data. With regard to receiving letters from the Municipal Light Department and Water District, Mr. Amico said the town is unique and the Municipal Light Department will determine the layout. A condition can be added that the MLP provide a design that they approve of and ask the same of the Water District.

Mr. Watsky said they will take care of the concerns regarding the shed, light post and existing fence for Ms. Dubeau. Ms. Dubeau is also requesting a vinyl fence from the first house lot which is 10' from her house. It is not sure if that is an achievable condition since there is no way of knowing where a developer will position the house.

Mr. Quist said instead of asking for a waiver for the right-of-way, the developer should purchase the corner because he does not have the 50' required. Mr. Rajeshkumar asked if the developer

had approached the abutters to buy the 6' piece of land. Mr. Watsky explained that the right-of-way that exists is the right-of-way that was left when the existing subdivision was approved. It is the width that was legal at the time and was left in a position at that time consistent with regulations (40' right-of-way); he could have legally extended the road into the property at that time without any waiver. They are designing and using the land that is available, taking advantage of the 40' right-of-way, specifically so the road can be extended on the property and felt it was a reasonable waiver request. Mr. Watsky said they did approach the abutters about acquiring property from them and designing a subdivision that included their property, but the abutters insisted on conditions that were unreasonable, so they chose to do what they could do by right. Mr. Amico suggested checking with Town Counsel to see if the land was grandfathered for the 40' dimensions. Mr. Watsky said the Westland Circle Subdivision in 1949 laid out the stub as part of the subdivision approval and it was accepted along with the rest of Westland Circle as town owned land and the right-of-way extends out to the subject-property line specifically for the purpose of further extension of the road.

A deed for the property was received and there is no reference to limitations on the type of residential construction allowed. The Homeowners Association documents were provided, and the catch basin hood type was added to plan. With regard to radon evaluation and blasting, the Fire Department can provide specifics. There is a strict process to be followed before blasting with oversight by the Fire Department and Fire Marshall.

At the last meeting, Dr. Tashjian said he had filed a lawsuit against the town and town boards (including the Planning Board). Mr. Vignaly said the Town Administrator informed him that the suit had been dismissed. Dr. Tashjian said the board was misinformed by the Town Administrator and that he has appealed. He said he filed a RICO (Racketeer Influenced and Corrupt Organizations Act) with the federal courts. Mr. Vignaly said there is an application that the board must act on and the direction received from the Town Administrator was to move forward with the review and decision. He will confirm with the Town Administrator what action was taken. Dr. Tashjian spoke briefly about the potential water contamination and the impact on the wells.

Mr. Rajeshkumar made a motion to continue the Public Hearing to May 9, 2018 at 7:30 p.m.; Mr. Anderson seconded; all voted in favor; motion approved.

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

By: \_\_\_\_\_  
Paul Anderson, Clerk

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