

July 12, 2018

Margaret J. Hurley, Director  
The Commonwealth of Massachusetts  
Office of the Attorney General  
Chief, Central Massachusetts Division  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608

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TOWN CLERK  
TOWN OF WESTWOOD

**(via e-mail in care of Dottie Powers, Town Clerk, Town of Westwood, MA)**

Re: Town of Westwood, MA  
Case No. 8691  
Fall Annual Town Meeting of November 13, 2017  
Warrant Article Nos. 10, 11, and 12

Dear Director Hurley:

Pursuant to M.G.L. Chapter 40 Section 32, please be advised that this correspondence serves as our collective claim of invalidity relative to the above-referenced matter.

It is our position that the defect in notice was both misleading and prejudicial in that it severely restricted public exposure of the subject articles and ultimately provided limited opportunity to the residents of Westwood as well as the planning boards of each abutting town to comprehensively examine the proposed zoning bylaw amendment language during the public vetting process in addition to precluding equal and meaningful participation of all interested parties to express concerns and raise questions in order to gain a true and complete understanding of the intended consequences of the subject articles as written.

Furthermore, the deceptive and prejudicial concerns raised within apply equally and individually to Articles 10, 11, and 12, with more particular troubling concerns relating to Article 11.

The procedural defect for Article 11 created a clear obstruction to public access, which subsequently precluded all interested residents from gaining critical information necessary in order to make a thoughtful and informed decision at the referenced Town Meeting.

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Beginning on or about December 2014, up to and including today, the Town of Westwood governing bodies have continually met heated debate from residents in connection with the extremely controversial proposed redevelopment of Islington Center and the corresponding zoning bylaw amendments sponsored by the Planning Board in the last three (3) years prior to this subject Fall Annual Town Meeting of November 13, 2018, which appear to be a premeditated plan on behalf of town officials in support of one particular developer.

As memorialized in a variety of numerous public hearing recordings performed by the Westwood Media Center, both the heated debates and the resulting resistance to the redevelopment of this specific area in Westwood revolve around an established pattern of intentional omissions from public hearing agendas dating back to (at a minimum) July 17, 2017 as well as a total lack of transparency serving to reinforce the town's objective to conceal and cloud the intent of the actual Article prior to presenting the same at Town Meeting for a vote.

The notice defect related to the subject Articles are intentionally deceptive and clearing intended as a means to limit resident citizen input to ensure successful passage of the Articles.

What is certainly troubling about the town's noncompliance is that a significant percentage of residents believe this deviation from the legal publishing requirements presented a barrier and precluded residents from gaining full understanding of the implications of a successful passage of the proposed zoning bylaw amendments most certainly in respect of Article 11.

The procedural defect did not allow for comprehensive question and answer sessions with residents resulting in a comprehensible understanding of why, for instance, this proposed bylaw change as presented in Article 11 had already been put in place many months prior to having been officially presented and subsequently voted on at November 13, 2017 Town Meeting. This specific bylaw change allowed for a physical therapy practice to be placed with the Flexible Multiple Use Overlay District 6 (the "FMUOD6") during the calendar year 2017

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despite our then existing zoning bylaws only allowing a “dentist or doctor office”, and no other such language was then in existence.

Additionally residents were misled by the intent of Article 11 in “defining” a substance abuse rehabilitation and/or treatment facility, under this article, when its intent was to ‘allow’ it in a particular district as previously reflected in Section 4.0 of the Westwood Zoning Bylaw and further elaborated on in Section 4.1.2 “Table of Principal Uses”. Again, the publication defect presented an obstacle to the residents in fully understanding the applicability of Article 11, and once again prevented public discussion of the then existing location of the “substance abuse rehabilitation and/or treatment facility” and further discussion of the potential alternative areas relating to the proposed amendment.

Confusion was simply exasperated when it became evident that this proposed zoning bylaw change had already been incorporated into the town’s zoning bylaw indicating successful approval by the Attorney General’s Office when in fact your office had not yet made a legal determination regarding its validity.

Lastly, there was no opportunity presented towards requesting information respecting why the Meditech CEO, a then and current member of the Finance and Warrant Commission, did not recuse himself and was allowed the privilege of voting a positive recommendation as reflected in the official Warrant to the November 13, 2017 Town Meeting for the applicability of this Article to Meditech (where he is employed).

Notwithstanding the desire of over four hundred (400+) residents clamoring to sign this letter and given the time constraints mandated by M.G.L. for the filing of claims for invalidity respecting a defect in notice, we respectfully ask that you reject all of the documentation submitted in support of the subject rezoning Articles 10, 11, and 12, and block each of the proposed zoning bylaw changes.

We are also appealing for a thorough investigation into the events pertaining to all Town of Westwood zoning bylaw amendments in connection with the Islington redevelopment project and its sole developer, Petruzzello Properties, Inc.

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Respectfully submitted,

/s/

Nada Milosavljevic-Fabrizio

cc: The Honorable Maura Healey  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
*(by mail)*

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