

**SELECTMEN'S RECORD**  
**April 4, 2017**

**ATTENDANCE AND CALL TO ORDER**

The meeting was called to order at 7:37 p.m. in the Community Room at the Westwood Public Library by Chairman Nancy Hyde. Also present were: Selectmen Michael Walsh, Selectmen John Hickey, and Town Administrator Michael Jaillet. Christine McCarthy record the minutes.

N. Hyde led the Pledge of Allegiance.

N. Hyde asked if anyone wishes to record the meeting and granted permission to Westwood Media Center to record.

**SCHEDULED ACTION**

**Islington Center Redevelopment Discussion - Discussion/Decision of Submission of Subdivision and/or Approval Not Required (ANR) Application for Zoning Freeze (M.G.L. 40A, §6) of properties located on Washington Street; and Discussion of Islington Center Task Force (ICTF) Recommendation to Board of Selectmen**

Nora Loughnane, Community and Economic Development Director, presented to the Board of Selectmen the information related to the submission of a Subdivision and/or Approval Not Required (ANR) Application for a Zoning Freeze per M.G.L. Chapter 40A, Section 6 including what that required the Board to do moving forward.

*(Presentation available online)*

[http://westwoodtownma.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=1266&MediaPosition=&ID=4158&CssClass=](http://westwoodtownma.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1266&MediaPosition=&ID=4158&CssClass=)

M. Walsh asked who divided to lots for the Subdivision Plan? N. Loughnane explained that she worked with the construction engineer to divide the lots. These plans propose commercial lots that could be proposed under a FMUOD. The ANR plan would allow the zoning as it is today to remain in place. M. Walsh asked what is the Town's benefit? N. Loughnane explained it is just to freeze the zoning.

Holly Medwin, 54 Willard Circle, asked taking Parcel E meant it was going to take over the front of their properties? N. Loughnane explained that Parcel E is a Town owned parcel that is in front of those lots and used by those people to enter and exit their properties. It is noted that Parcel E is not a buildable lot and there is no change proposed for that parcel.

David Atkins, 85 Parker Street, stated:

*I am speaking as a resident and as an individual member of the Planning Board. He asked the Board of Selectmen to reconsider the zoning freeze whether under the ANR or the Subdivision Plan because it is not in the best interest of the Town for two reasons. First, it will undermine the democratic process through a legal tactic that is usually used by property owners to protect their individual rights against actions by the majority. In this instance the property being protected is Town property. The zoning freeze would protect the Town from itself and stated that this is illogically (sic) and unnecessary. Town Meeting is the legislative authority of Town Government and the best way to protect the rights of the Town is to engage residents in an honest debate and abide by their vote. Second, a zoning freeze will create conflict that will undermine the integrity of what should be a consensus building process of civic engagement and improvement. If the amendments pass and the zoning freeze obtain, what will the Planning Board hearing's look like? When we ask for public input will we be forced to tell residents 'I know you don't want any residential, I know the town voted 2/3 against it, but we have to follow the zoning that was in place before you voted.' This freeze will poison our deliberations as an underrepresent elephant in the room as a reminder to residents that their only input is relevant at the margins. So I urge you to let Town Meeting vote on the zoning amendments without this zoning freeze. The issue of allowing residential development is a component of growth in our village centers is an important one that goes to the heart on how we want our town to grow. It should be debated and let residents decided for themselves what is in the best interest of the Town.*

Linda Fitzhenry, 57 Brookfield Road, has come to a lot of these meetings for two years and residents have sent letters and petitions over and over again saying this isn't what they want and now there is a petition going to Town Meeting, but the meeting tonight is a discussion to circumvent that and it doesn't sit well with her. She does not agree with it.

J. Hickey explained his logic that the Board of Selectmen entered into a process in 2015 to view these six parcels as one. The Town has gone down a path of putting out a Request for Proposal (RFP). A lot of effort has gone into it and he believes that at the end of the day, treating these parcels as one is the best outcome. He added that having a developer develop their own parcels and the Town develop their parcels when they contiguous with each other is not the right way to move forward.

Eugene Drokhlyansky, 5 Saint Denis Drive, stated that he understood the logic and grateful for all the work going into this over the last two years but that through one means or another, the Board is trying to pass a zoning freeze and trying to take the voice away from the residents. He personally would like his vote to count on May 1<sup>st</sup>. He disagreed with calling this one parcel stating he cannot combine parcels for building why should the Town be able to?

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N. Loughnane stated that she wanted to clarify that any property owner has the right to combine or subdivide their parcel(s) of land, they just have to have appropriate amount of frontage on a public or private street. She added that the petitions articles are not limited to only the land shown before the Board tonight, but also proposed to make changes to the entire FMUOD 6 along Washington Street from Fairview to Clapboardtree Street and also changes to FMUOD 7 along High Street. This proposal takes 5 existing parcels in one small portion of the Washington Street area and allows the current zoning to remain in effect long enough for the Town to consider the natural fruition process that was started. The RFP was for a creative redevelopment opportunity and the end result of that process is a 2/3 Town Meeting vote. All this does is put up a 3-year hold on the zoning use.

Eugene Drokhyansky, 5 Saint Denis Drive, that he feels it does take his voice away because he would like the proposed zoning changes to apply to Islington Center.

N. Loughnane presented the Subdivision Plan zoning Freeze per M.G.L. Chapter 40A, Section 6 which would be a protection for 8-years. N. Loughnane presented examples of other Subdivision Plans that have been filed in the past including Plans of Deerfield Ave which was built and Plans that were filed with road(s) were never built or plan to be built. The Preliminary Subdivision Plan is the first step before filing a Definitive Subdivision Plan. The final plan must be submitted within 7 months of the preliminary. The homes along East Street are currently non-confirming lots so this would give them appropriate frontage to become conforming lots. On the Westside of Washington Street, the proposed road would give frontage to a private non-confirming lot as well.

M. Walsh asked what is the benefit of giving frontage to the private lots? N. Loughnane explained the benefit is to the property owners and the value of their property increases if they have a conforming lot as well as safety considerations for individuals to come out of their property onto a public or private street opposed to a right of way.

J. Hickey asked if the Planning Board took a position on the petition articles? N. Loughnane responded that the Planning Board voted against approval of the petition articles. The Planning Board has not reviewed any ANR or Preliminary Subdivisions Plans.

Chris Poreda, 155 Willard Circle, asked how many of the current parking spaces in the municipal lot and behind the ICC will be lost with these roadways? N. Loughnane explained that these roadways will not be constructed. If the roadways were ever brought to fruition, then the new development would have to show appropriate parking for the uses. This plan is not a use of parcels, but a plan for a zoning freeze.

M. Jaillet stated that there are two issues that should be considered. First, the zoning bylaw went into effect a few years ago and a private developer purchased the land based on what the value of the land was and what he could develop under that zoning. To change the zoning from what it is would undermine what he based his price on. It is important to understand that zoning freezes are put in place to protect the land owners' rights that they had when they purchased the land. Second, that the Town issued an RFP and encourage people to respond. In this instance, there was one developer who responded. He was not given a guarantee that anything was going to be approved but proposed a development with the understanding that he would be given consideration. The Town has been trying to re-establish itself as a business friendly community and that if a developer/business came to the Town, it would give them a full hearing. In some respects, this would undermine the credibility of the community if it did not work with him to take these plans to a full hearing process.

Mary Beth Persons, 7 Bridal Path, asked for clarification on how the Town would develop these ANR and/or Subdivision Plans.

N. Loughnane explained that the plans are plans on paper. If filed, the plans would be submitted to the Planning Board and if it gave its approval, they could then create a Subdivision. The Selectmen are an applicant in this process and it has no intention to build these roadways. Its intention is to follow through on the RFP process that was started in 2015 to see if we could get a creative private/public proposal and bring a plan to the Town to see if it wants to go forwarded with that proposal or not. The plans are paper plans to be filed in accordance with state law.

*Unidentified Resident:* asked what the Islington Community Center was currently zoned at? N. Loughnane responded are zoned Local Business District B, with a Flexible Mixed Use Overlay District 6 which means they can be used for commercial, office, retail, by right and if they are able to obtain an FMUOD Special Permit, they could be developed commercial space with upper residential units.

*Unidentified Resident:* asked if the ICC building was historic? N. Loughnane responded it was not historic per view of a Nancy Donahue who is the current Chair of the Historical Commission and a member of the Islington Center Task Force. Wentworth Hall, however is historic as well as Blue Hart Tavern. N. Hyde added that one of the provisions in the RFP was to preserve the historic buildings.

Eugene Drokhlyansky, 5 St. Denis Drive, disagreed with M. Jaillets comments that the developer can develop and freeze his own property and that it does not have to be jointly with the Town and stated that the residents do not owe him anything. He does not understand why the Town needs to partner with a private developer.

Jacqueline Heiss, 5 St. Denise Drive, commented that she is surprised spending so much time on these plans knowing that the Town will not be going forward with any of them but focus on the question of if the Town is going to try and circumvent their votes. She believes that the residents have been heard or comments being taken into account.

Linda Fitzhenry, 57 Brookfield Road, stated that the residential component was not part of the FMUOD when Mr. Petruzzello purchased the property, that it was added about 6 months after.

N. Loughnane explained that the FMUOD District was created in 2011. The Planning Board eventually making the district apply to the two downtown districts (Washington and High Street). In 2014 the Planning Board recommended and the Finance and Warrant Commission supported and Town Meeting approved the creation of FMUOD 6 & 7. At that time, the Town discussed the changes with property owners along High Street and Washington Street, including Mr. Magaletta. Mr. Magaletta brought Mr. Petruzzello to the Town to discuss the sale of his properties. When the Planning Board approved the adoption of FMUOD 6 it had been very clear at each hearing they intended to add residential uses to that and known to all property owners and that they were doing it in steps. At the time, the Town was going through the development of the Colburn School. In 2015, the bylaw was changed to add residential uses and in 2016 the footnote was added affecting the project area that Article 23 proposes to alter. Prior to putting that footnote in, it was a standard Planning Board process that all property owners were by right able to combine lots, whether contiguous or across rights of way. It was put in there to settle a court case that had nothing to do with this development. In effect, the footnote was in place in 2014 when Mr. Magaletta sold the properties to Mr. Petruzzello. The RFP went out in 2016.

Chris Poreda, 155 Willard Circle, stated this Board of Selectmen will prevent a future Board in changing the zoning for future developments and asked why the Town would prevent itself from taking appropriate action.

Brian Gorman, 145 School Street, stated that in order for the project to happen, the Town would need to have a sale or transfer of land at Town Meeting. He is concerned about the trust on how the Town is being led. The article in front of the Town that is being ignored and if 2/3 of the Town want that zoning to change, then that is what the Town should do.

N. Loughnane stated that there is nothing in the zoning freeze that ties the hands of the property owners. The property is Town property and when there is a project that could go to Town Meeting and if it is not approved by Town Meeting, the parcels remain as is. N. Loughnane added that in December when she worked with the petitioners to draft the petition articles so they would achieve what the petitioners were trying to achieve, she informed them that the property owners were likely to file a zoning freeze who feel they will be likely aggrieved by the changes, the Town

being one of those property owners. It's the Town's fiduciary responsibility to protect the value of the land.

J. Hickey asked if the Board authorized both the ANR and Subdivision Plan are both filed? N. Loughnane responded yes, the ANR is an immediate freeze and the Subdivision would require a Definitive Subdivision Plan to be filed for it to be in effect.

J. Hickey stated he felt that everyone involved in the process wants the best outcome for the community. The Town is talking about parcels that were privately owned. When the Town purchased the properties, there was no intention to retain them with the Town. He believes it will be bad idea if the Town and developer went down different paths since the parcels are interconnected. He believes the Town has an obligation to protect those properties for future development.

Linda Fitzhenry, 57 Brookfield Road, asked what the process and next steps were if the Selectmen voted the zoning freeze tonight? N. Loughnane explained that if the Selectmen voted to approve the submission of the applications and necessary plans, the applications and plans would be submitted to the Planning Board. For the ANR, the Planning Board has 21 days to review the plan, determine if there is sufficient amount of frontage and either sign it, or allow 21 days to pass without signature. At that point it will then become a zoning freeze plan for 3 years.

In the case of a Subdivision Plan, a joint application with the developer is prepared and submitted to the Planning Board as a Preliminary Plan. The Planning Board would then hold a public hearing and make recommendations on the plan. Then, within 7 months of the date of the submission, the property owners are required to file a Definitive Subdivision Plan and at which point the Planning Board would hold another public hearing, discuss the benefits and detriments the plans proposed. If at that time, the Planning Board approved that plan, that approval is an appealable approval.

Paul Kelly, 107 Willard Circle, asked if the Planning Board was in favor of this freeze? N. Loughnane explained the Planning Board does not have this application for a freeze and it would be inappropriate for the members to weigh in at this time since it is the approval authority.

M. Walsh stated that he agrees with the residents and that the process is meant to get out opinions. As a member of the Islington Center Task Force, he was the only vote against Option 6. He believes signing these applications does two things. First, that the developer can freeze his own land and if the Town freezes it land, it puts the Town at a disadvantage at the negotiation table. Second, that it is a mistake to get into partnership with any developer.

N. Hyde thanked everyone who has taken the time and took the time to participate in the process. She stated there were a lot of good points that have been made tonight.

First, undertaking the process, treating a Task Force, engaging with a developer who responded to an RFP came from a Town Meeting vote that allowed the Board to do that. As complicated as some zoning bylaws are, the Town did so with the intent to allow mixed use development. When the zoning was redone for the Colburn School to allow for residential, the Town wanted to see what a 'village' like residential zoning would look like and it worked by all accounts including preservation of the building. Then came more zoning changes with the intent of allowing mixed use. The town has no intention of seeing a series of three story buildings with residential units all along the street. The Board of Selectmen is the elected executive body of the Town and have a fiduciary responsibility to the Town is very important. She can see both sides very clearly. If the Board decides to move forward, it allows the process to continue and look at how to maximize the use of the Town's property, alternative housing, split tax rate, historic preservation, vs stopping the process in the tracks due to petition articles.

**J. Hickey moved to authorize the Town Administrator to submit applications and plans necessary to achieve a Zoning Freeze pursuant to M.G.L. Chapter 40A, Section 6 by filing Approval Not Required (ANR) Plans and Preliminary Subdivision Plans jointly with Petruzziello Properties. N. Hyde Seconded. Vote: 2-1-0. M. Walsh opposed.**

### **Appointments**

Jack Patterson has expressed interest in being appointed to the Historical Commission. Jack has been an active member of the Westwood Community for over 30 years. He served on the Recreation Commission from 1984 to 1987 where he donates his place of business to the Holiday Santa Program. Jack then served on the Personnel Board from 1987 to 2007. During his tenure, Jack was Chairman for 17 years and was involved in the reclassification of many town job descriptions, collective bargaining, and updated performance evaluations. He currently is serving as a member of the Islington Center Task Force.

Jack has also been involved in many community programs including, but not limited delivering Meals on Wheels, parishioner and on Parish Finance Commission at St. Denise Church, a Westwood business owner and longtime member of the Rotary club.

**M. Walsh moved to appoint Jack Patterson to the Historical Commission for a term to expire on June 30, 2020. J. Hickey Seconded. Unanimous Vote: 3-0**

Chris Pfaff, a member of the Planning Board, should be appointed to the Long Range Financial Planning Committee to represent the Planning Board through the remaining year.

**M. Walsh moved to appoint Christopher Pfaff to the Long Range Financial Planning Committee for a term to expire on June 30, 2017. J. Hickey Seconded. Unanimous Vote: 3-0**

The Town Clerk has requested that the Board appoint Mitchell Burek of Gay Street and Melinda Theodore of June Street as Elections Officers for the upcoming Town Election and Town Meeting.

**M. Walsh moved to appoint Mitchell Burek and Melinda Theodore as Election Officers for terms to expire on June 30, 2017. J. Hickey Seconded. Unanimous Vote: 3-0**

#### **OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

N. Hyde asked if there was any other business that may properly come before the board?

#### **PUBLIC AND PRESS**

N. Hyde asked if there were any questions from the public or press?

#### **EXECUTIVE SESSION**

#### **NEXT MEETING**

The Board of Selectmen's next meeting will be held on Tuesday, April 11, 2017 at 7:30pm in the Selectmen's Meeting Room at Town Hall.

**M. Walsh moved to adjourn. J. Hickey Seconded. Unanimous Vote: 3-0**

**M. Walsh, aye. J. Hickey, aye. N. Hyde, aye.**

The meeting was adjourned at 9:05 p.m.



Initial after reviewed



A handwritten signature in black ink that reads "Michael J. Jillet". The signature is written in a cursive style with a large, sweeping initial "M".

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M. Jillet  
Town Administrator

## *LIST OF DOCUMENTS*

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Board of Selectmen  
4/4/2017 Community Room  
Regular Meeting

### **SCHEDULED ACTION**

- Letter to Westwood Selectmen G. Petruzziello (PDF)
- Letters from various Residents - Islington Center (PDF)
- Motion on RFP Proposal 032217 from ICTF (PDF)
- Motion on Petition Articles 032217 from ICTF (PDF)
- Microsoft PowerPoint - BOS Zone Freeze Presentation - short.pptx [Read-Only] (PDF)