

EXECUTIVE SUMMARY
INVESTIGATION INTO CIRCUMSTANCES THAT LED TO THE CONSTRUCTIVE
APPROVAL OF THE TIMOTHY/HILLER SUBDIVISION

By Donna M. Brewer, Harrington Heep LLP
February 18, 2026

Introduction.

By report dated February 18, 2026, Donna Brewer detailed the results of an investigation into the circumstances that led to the constructive approval in August, 2025, of the Timothy/Hiller Subdivision. This Executive Summary gives an overview of the detailed findings and conclusions.

The Original Application.

The Subdivision is the subject of long-standing contention with the Town and neighborhood and years of litigation. The developer, Mr. Robert Roderiques, first submitted definitive subdivision plans in 2019. The Planning Board, after public hearing, denied the application. Mr. Roderiques sued in Superior Court. The Superior Court upheld the Planning Board's decision. Mr. Roderiques appealed. The Appeals Court, in July 2025, affirmed the trial court's decision. Mr. Roderiques filed a petition for further appellate review before the Supreme Judicial Court. That petition was denied.

The March 2025 Application.

Town officials and the developer held discussions in early 2025 to discuss potential modification of the 2019 submission and potential remand of the matter by the court to the Planning Board for consideration. Instead of a remand, plans for a definitive subdivision were hand-delivered to the Planning Department on March 24, 2025.

Findings (based on interviews and documents).

1. David Davignon, the engineer for the applicant Robert Roderiques d/b/a Windmill Acres LLC, hand-delivered to the Planning Department on March 24, 2025, the Form C Application, Form G Subdivision Plan Checklist, Project Narrative, Abutters List, DEP Stormwater Report, Fee Schedule Worksheet, and 10 sets of Definitive Subdivision Plans to the Planning Department, attention Cathy Melanson Madam Chair.
2. Mr. Davignon also hand-delivered a set of plans to the Board of Health, received by Health Agent David Flaherty, and the Town Clerk.
3. The Town Clerk stamped the plans as received on March 24, 2025.
4. The Planning Department did not stamp the plans as received and placed the checks for the application fees in a safe rather than depositing them.

5. Land Use & Planning Director Bruce Webb was not in the office on March 24, 2025, but his assistant, Barbara Paczosa, informed him that the plans had been delivered when he was in the office next day.
6. Mr. Webb informed Ms. Melanson and Planning Board Vice-Chair Patrick Carr of receipt of the new plans shortly after he became aware of them.
7. Ms. Melanson saw the plans in the office that week.
8. On April 2, 2025, Mr. Webb sent an email to Town Counsel Heather White informing her that the Department received a new application for the Timothy/Hiller subdivision and asking if the Planning Board could have a hearing on a new application while the old application was pending before the Appeals Court.
9. Town Counsel Michael Terry responded to Mr. Webb by email dated April 3, 2025 in which he opined that the Board would have to approve an Application for Repetitive Petition and that the new application should be considered for refusal due to past due consultant fees, although he conceded that he did not have any support in law for the second grounds for refusal.
10. Mr. Terry stated that he had a telephone conversation with Mr. Webb on April 22, 2025, as reflected in his firm's statement of services, in which he informed Mr. Webb that his advice of April 3rd was incorrect and the application should be reviewed by the Planning Board.
11. Mr. Webb denies that that telephone conversation occurred and denies that the April 3rd advice was ever changed.
12. On May 5, 2025, Mr. Terry sent an email to Mr. Webb asking him what was the status of the new application. Mr. Webb did not respond.
13. On May 8, 2025, Mr. Terry sent an email to Mr. Webb asking him if a hearing had been scheduled on the modified plan. Mr. Webb did not respond.
14. Mr. Webb thought that Mr. Terry's email of May 8th was referring to remanded plans and to the executive session, not the new application.
15. On May 12, 2025, Mr. Carr had a telephone conversation with Mr. Terry to discuss whether to hold an executive session of the Planning Board. Mr. Carr learned in that conversation that the Planning Board was required to act by statute on the application within 135 days of receipt.
16. On May 12, 2025, Mr. Carr sent Mr. Webb an email in which he brought up the 135-day deadline and stated that he should be kept in the loop so that the 135 days were not exhausted. *Mr. Webb* did not respond to the statements about the deadline.
17. Between March and August, several people asked Mr. Webb what was happening with the plans. Mr. Webb consistently stated that he was told by Town Counsel to do nothing with them.
18. Between April and August, Mr. Webb never asked Town Counsel whether the prior advice to do nothing with the plans had changed.
19. At no time did Mr. Webb direct Ms. Paczosa to prepare a legal advertisement for publication or send notices to the abutters, statutory prerequisites for the public hearing to occur within the 135 days.
20. Anne Carreiro, Assistant Town Administrator of Finance/Town Accountant, received a telephone call from Mr. Roderiques the evening of August 26, 2025, in which he

informed her that the plans had been constructively approved due to the Planning Board's inaction.

21. Mr. Webb sent an email to Town Counsel on August 27th in which he informed Ms. White and Mr. Terry that he had found an email from Mr. Davignon dated March 24th with a digital copy of the plans and found hard copies in the planning office.
22. After August 26th, Mr. Webb told some people variously that he did not know the plans were in the office, or did not know that the Town Clerk had stamped the plans as received, or had done nothing based on Town Counsel's advice.

Conclusions.

Mr. Webb knew by March 25th that a new application for the Timothy/Hiller Subdivision was received by the Planning Department. By the end of April, he was informed by Town Counsel that the plans needed to be reviewed by the Planning Board. His statements that he was never informed that Town Counsel's advice was changed are not credible in light of Town Counsel's recollections and emails and Mr. Carr's email.

The evidence supports the conclusion that Ms. Melanson and Mr. Carr were the only Planning Board members who knew, between March and August 26th, that the new plans had been received by the Planning Board. No one informed any other member of the Planning Board of their receipt and Ms. Melanson was no longer on the Planning Board after the April 2025 Town election.

Mr. Carr can be faulted for not informing the incoming Chair that the new plans had been received and that there was a 135-day deadline to act. He did not do so because he relied on those who were responsible for the operations of the Planning Department to inform her of pending applications.

Mr. Webb was absent for a considerable amount of time between April and August 2025. The evidence supports the conclusion that, with the distraction of his family's health issues, Mr. Webb's asserted misunderstanding of Town Counsel's advice, his failure to inform the new Planning Board Chair or members other than Mr. Carr of the plans' receipt, and his negligence at any time prior to the expiration of the 135-day deadline to confirm that he should do nothing with the plans, Mr. Webb is primarily responsible for the plans being constructively approved.

The evidence does not support the conclusion that there was any nefarious intent or conspiracy intentionally to cause the plans to be constructively approved.