

**UHDC Public Hearing: May 8<sup>th</sup> on May 9, 2023 SATM Warrant Article**

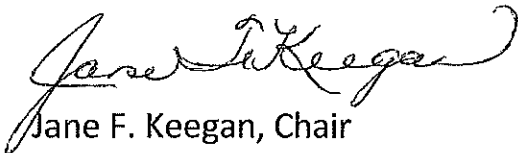
The public hearing on Article 16- Historic District Expansion was called to order by Chair Jane F. Keegan at 7 P.M. in the Lower Town Hall. Present were voting members and alternate: J. Keegan, P. Pendergast, Travis DoRosario, K. Beane, Faye McCloskey, and M. Zuchowski.

Many Mendon and Capron Street residents voiced complaints about the HD Bylaw itself. After hearing about and addressing issues raised, the public hearing was concluded. Thereafter, the Commission discussed options: vote Unfavorable Action on Article or withdraw the article from consideration at the May 9<sup>th</sup> SATM. A motion was made by P. Pendergast, seconded by K. Beane to "withdraw". Unanimous.

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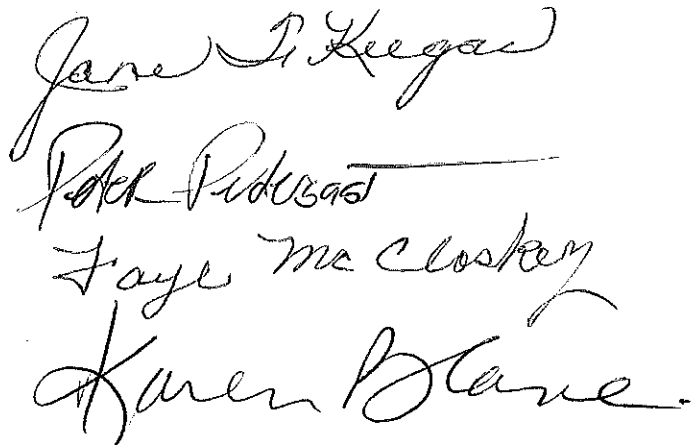
Subsequently, a synopsis of public comments was sent on May 9<sup>th</sup> to UHDC members, and a formal memorandum drafted to be via Town Manager to Town Counsel for formal review. The memo, outlining the objections raised, requested legal response which could be shared with the community ASAP. (This was done on August 8, 2023 at the next UHDC meeting.)

Submitted,



Jane F. Keegan, Chair

(Minutes re-created 10/2/23 by JFK, current Rec Sec/Clerk))



Jane F. Keegan  
Peter Pendergast  
Faye McCloskey  
Karen Beane



TO: UHDC Members/Alternates

FROM: Jane F. Keegan, Chair

RE: Agenda and attachment for June 13<sup>th</sup> Meeting

DATE: June 5, 2023

Attendance at this upcoming meeting is critical so please come if at all possible.

The agenda will include, but not be limited to: approval of past meeting minutes; update on any response from Town Counsel re: HD Bylaw review; discussion on where the UHDC goes from here re: Article 16; reorganization of UHDC officers for 2023-24; new business (if any).

As to “where the UHDC goes from here on Article 16?” there needs to be a frank, honest discussion about member/alternate support for its ‘future’. Hopefully, the response from Town Counsel will give firm guidance as to speed at which the UHDC should proceed: fast, slow, stop.

Far from being the “bully” described at the May 8<sup>th</sup> public hearing, I think the UHDC actions should be perceived (by reasonable people) as ‘deliberative’, a body who listens to all sides of the debate, but then has the courage of its convictions. Our decisions should be based on the best interests of the Town as a whole and not on catering to the loudest naysayers, especially if complaints, as determined by Town Counsel, have no basis in reality.

There is lots of ‘talent’ on the UHDC so think about who will serve as new officers for 2023-24. As mentioned in my May memo, I will be stepping down as Chair. We are also losing our long-time Recording Secretary/Clerk Travis Do Rosario who has kept us on track for many years. She will be missed mightily! Karen and Peter have submitted Talent Bank forms and are recommended for reappointment. Also, I am pleased Michael Zuchowski has agreed to serve as a voting member IPO Travis and look forward to his more vocal participation in the coming year.

Attachments: Agenda; UHDC Request for Town Counsel Review of HD Bylaw

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Jane F. Keegan, Chair

(Minutes re-created 10/2/23 by JFK, current Rec Sec/Clerk))

TO: Steve Sette, Town Manager

FROM: Historic District Commission

RE: Request for Town Attorney Review of General Bylaw Chapter 218

DATE: May 30, 2023

On June 13<sup>th</sup> the UHDC meets for the first time since the May 8<sup>th</sup> public hearing on Article 16. In addition to reorganization, one item to be debated is where should the UHDC go from here? Despite the article's withdrawal due to negative comments by Capron and Mendon Street homeowners, support was evidenced by co-sponsorship, favorable Fin Com/Planning Board votes, and general post-TM commentary. None should be overlooked, and under the circumstances, the community deserves legal guidance and a legitimate chance to speak on the issue.

However, since the UHDC has failed to rebut adequately the exact same complaints advanced in 2018, it must be concluded a different tact is needed if HD expansion is ever to be achieved! Therefore, it seems prudent to solicit written response, offering legal advice on the 'correctness' or 'error' of the UHDC 'position' on the following points before contemplating further 'next steps':

- Render an 'opinion' as to the legal effectiveness of General Bylaw Chapter 218, composed almost 20 years ago via a cut-and-paste method from similar Towns' bylaws on the subject (one assumes). Drafting amendments may be necessary, but a decision on the Bylaw's basic viability should come first before (perhaps wasting time) engaging in a general rewrite?
- Comment on the complainants' position there is a "disconnect" between Chapter 218 and MGL Ch. 40-C at best and outright "conflict" at worst. True/False statements, or something in between?
- Comment on whether the UHDC is "derelict in duty" in NOT assessing fines for 'non-compliance' with local HD Bylaw that results in potential Superior Court action as allowed by that same MGL. Is there basic conflict here or not, because, while the Town has 'accepted' provisions of MGL Chapter 40C, no local Non-criminal Disposition Bylaw for fines has been adopted?
- Does the UHDC need to address a lack of these 'definitions' (218-2)? If so, suggest appropriate language to eliminate possible misinterpretations:
  - o Demolition (no parameters listed). Do we have the right to DENY a permit and/or under what circumstances? Isn't this equivalent to an eminent domain taking?

- Certificate of “Hardship” (no parameters listed)
- Exterior Architectural Feature- Does this need further explanation?  
The UHDC has ‘interpreted’ this to mean ONLY the front portion of a structure facing the main road, but complainants claim language is more ‘open-ended’, thereby requiring us to review additional sides.

At the May 8<sup>th</sup> public hearing, complainants are best described as ‘Libertarian’ with tendency towards ‘dictatorial’: don’t tell me what to do with my property followed by outrage over more ‘bureaucracy’ with which they would have to deal, and no benefit being in a historic district if no access to grant money, etc.... all while demanding strict adherence to Bylaw language. Although the UHDC has a documented history of ‘reasonableness’ in application, i.e., no resident complaints on file, the fear “future Commissioners might be more stringent” outweighed all arguments to the contrary. Indeed, some complainants suggested stripping the UHDC of even limited Bylaw ‘authority’ and demoting it to ‘advisory’ status only! (Literally and legally, we may already be in that position!)

Looking back at the original HD creation, it seems the Bylaw was crafted to give maximum latitude of choice for the people; never meant to seal Uxbridge in ‘amber’ or ever (to our knowledge) interpreted that way! Certainly, the (218-7) Exclusions, over which the UHDC has no control, contain about 99% of exterior items most homeowners could/would reasonably intend for exterior improvements, repairs, replacements, etc. to their property.

It is in the Town’s best interest as its 300<sup>th</sup> anniversary approaches to continue to put HD expansion in the forefront of residents’ minds. Long ago, the Town approved several ‘overlay zoning maps’ to allow for future commercial development along Mendon, Capron and North Main Streets, all still mainly residential areas proposed for HD inclusion. According the Bylaw, this allows for “encouragement of new building designs... compatible with existing architecture.”

An extensive PR campaign, to educate and excite citizens to the wealth of history in our front yards to be preserved and protected, accompanied the 2<sup>nd</sup> attempt at HD expansion. Abandoning the effort now without seeking benefit of legal counsel would be a waste of taxpayer dollars spent thus far.

Thank you for attention to our request about General Bylaw Chapter 218. Let us know prior to June 13<sup>th</sup> if attorney review has been authorized.