



*Massachusetts Municipal Lawyers Association*

# **MMLA MUNICIPAL MINUTE**

## **VOLUME II, ISSUE 3 –FEBRUARY 17, 2023**

Greetings, and welcome to this issue of the MMLA Municipal Minute, our e-newsletter to you, our Massachusetts Municipal Lawyers Association (MMLA) membership. Make sure to click the hyperlinks below for more information about a particular topic or matter.

### **Upcoming Programs and Events:**

- **Save the Date for Upcoming Programs:**
  - [Zoom Webinar – Working with the Attorney General’s Neighborhood Renewal Division on March 2, 2023](#) (12pm-1pm). MMLA is scheduled to hold an informational on-line meeting with representatives of the Attorney General’s Neighborhood Renewal Division to discuss how municipal counsel and local officials can work with the NRD to use the enforcement authority of the State Sanitary Code to turn around abandoned residential properties. Working in close partnership with cities and towns, the AG’s Office seeks out delinquent property owners and encourages them to voluntarily repair their properties and make them secure. If owners refuse, then the office’s attorneys will petition the relevant court to appoint a receiver to bring the property up to code. The NRD’s efforts have resulted in transforming abandoned properties into new homes for Massachusetts families and generated new tax revenues for their communities. This should be a helpful program for both municipal counsel and other local officials facing challenges in dealing with distressed and abandoned properties. Additional information on the program and registration details will be forthcoming.
  - **MCLE Municipal Law 2023 Annual Conference** – March 22, 2023 (registration information and further details coming soon on the MCLE website, <http://www.mcle.org>).
- **Executive Board Meetings:** MMLA members are welcome to attend monthly Executive Board meetings, typically held on the second **Thursday** of each month. The next scheduled meeting is for March 9, 2023. To attend an Executive Board meeting, please contact MMLA Executive Director/Secretary-Treasurer James Lampke with a copy of any materials ([james.lampke@lampkelaw.com](mailto:james.lampke@lampkelaw.com)).

*If you are speaking at any upcoming programs or events, please let us know ([massadmin@massmunilaw.org](mailto:massadmin@massmunilaw.org)) so we can include it in an upcoming Municipal Minute.*

## **Recent Decisions, Rulings, Cases, and Legislative Developments of Note:**

- [\*Addezio v. Zoning Board of Appeals of Winchester\*](#) (Appeals Court Rule 23.0 Decision, February 3, 2023): “The plaintiffs, Angela Addezio as trustee of the Addezio Realty Trust, Wine Country, Inc., and Town Pantry, Inc. (collectively, the Addezios), appeal from a judgment of the Land Court affirming the decision of the Winchester zoning board of appeals (board) to grant a special permit and to approve a site plan allowing 735 Main LLC (735 Main) to construct a three-story mixed-use building (project) located at 735 Main Street in Winchester (proposed site). The Addezios, abutters to the property, contend that the trial judge and board relied on "fatally flawed" traffic and parking data that resulted in clearly erroneous factual findings that the project would not unreasonably or negatively impact traffic in the area and met minimum parking requirements. We affirm.”
- [\*Unquity House Corporation v. Board of Assessors of Milton\*](#) (Appeals Court Rule 23.0 Decision, February 2, 2023): “The taxpayers, Unquity House Corporation and Winter Valley Residences, Inc., appeal from decisions of the Appellate Tax Board (board) finding that the taxpayers were not entitled to real estate tax exemptions for fiscal year 2019 under G. L. c. 59, § 5, Third (Clause Third), for property owned and occupied for charitable purposes. We affirm.”

## **Career Opportunities and Other Information:**

- The following career opportunities were posted on the MMLA website:
  - [Massachusetts Department of Revenue, Division of Local Services – Municipal Tax Counsel](#) (2 Positions)
- Thank you to Attorney Gregor I. McGregor for sharing the following article authored by his firm (McGregor Legere & Stevens PC):
  - [Bourne’s Ban on Recreational Marijuana Establishments is Not a Zoning Bylaw and So is Valid](#) by Caroline E. Smith
  - [Federal Housing Act, Equal Protection, and Substantive Due Process Claims Survive in Federal Court](#) by Caroline E. Smith

*The Municipal Minute welcomes your submissions, such as client advisories/alerts, notable decisions, promotions, achievements, and other content. To submit, please send an email to [massadmin@massmunilaw.org](mailto:massadmin@massmunilaw.org).*

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