

Zoom Information

Meeting ID: 883 8541 9190

Passcode: 363439

Phone: 1-646-558-8656



WINTHROP TOWN COUNCIL

Town Council Members

Town Council President James Letterie

Precinct 1 Councilor Costigan

Precinct 2 Councilor Munson

Precinct 3 VP- Councilor Belcher

Precinct 4 Councilor Swope

Precinct 5 Councilor Aiello

Precinct 6 Councilor DaRos

Councilor at Large DeMarco

Councilor at Large Tassinari

**MEETING AGENDA
AUGUST 20, 2024
TOWN COUNCIL MEETING 6:30 PM
HARVEY HEARING ROOM**

1. **CALL TO ORDER**
2. **ROLL CALL TOWN COUNCIL**
3. **PLEDGE OF ALLEGIANCE**
4. **MINUTES**

Approval of Minutes, August 6, 2024 as circulated

5. **GENERAL INFORMATION AND RECOMMENDATIONS**

6. **PUBLIC HEARING**

7. **PUBLIC COMMENT**

8. **CORRESPONDENCE**

9. **COMMITTEE REPORTS**

Rules & Ordinance Update on Short Term Rentals

10. **SCHOOL DEPARTMENT REPORT**

11. **TOWN MANAGER REPORT**

12. **COMMISSION OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS**

13. **UPDATE POLICY MAKING COMMITTEES**

14. **OLD BUSINESS**

Fire House Update

Update MBTA 3A Zoning

15. **NEW BUSINESS**

Release and abandonment of a Certain Right of Way (Summit Ave)

Air Rights Approval-50 Somerset Ave. (Overhang Roof)

Waive Town Council Rule 2(a) adding a Special Meeting 8-27-24

Waive Town Council Rule 2(a) Change September 3, 2024 Town Council Meeting Date

16. **PUBLIC COMMENT**

17. **PUBLIC RELATIONS / UPCOMING EVENTS**

- Winthrop Farmers Market Dates: June through October- 2nd & 4th Sunday of the month Ingleside Park 9AM – 1PM
- 8-24-24 Accesible Adventures Fun Day at Deer Island
- Early Voting for 9-3-24 State Primary at Town Hall- 8-24-24 until 5:00 PM then 8-26-24 through 8-29-24 Town Hall Hrs
- 8-27-24 Joint Meeting Town Council & Winthrop Planning Board at Senior Center
- 9-26-24 Winthrop Recovery Event at Town Hall 5:30-8:30

18. **ADJOURNMENT**

LAW OFFICES OF STEPHEN T. DAVID. P.C.

601 HIGH STREET, SUITE 101
DEDHAM, MASSACHUSETTS 02026
TELEPHONE: 781-461-1060
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May 20, 2024

Town Council of Winthrop, Massachusetts
Town Hall
1 Metcalf Square
Winthrop, MA 02152

**RE: William P. Edgett, Jr. and Gina Edgett
76 Summit Avenue, Winthrop, MA**

Dear Members of Town Counsel,

This office has been retained by William P. Edgett, Jr. and Gina Edgett, the owners of the real property located at 76 Summit Avenue, Winthrop, Massachusetts ("the Property"), concerning the release of a certain right of way held by the City of Winthrop.

Mr. and Mrs. Edgett took title to the Property by deed dated January 17, 2020 and recorded with the Suffolk County Registry of Deeds in Book 62412, Page 71. The Property is their primary residence.

Upon the western boundary of their property is a 10 ft wide strip of land which is covered in concrete. Approximately five feet of this strip exists within the Property boundary, and the other five feet lies on the real property having the address of 70 Summit Avenue, Winthrop, Massachusetts. This can be seen various plans. See plans attached hereto as Exhibit I. This can also be seen by a bird's eye view of the property. See Google Map Image attached hereto as Exhibit II. This strip of land was present when my clients took title to Property. It appears that this strip of land has existed for some time.

It is my understanding that the strip of land is subject to a right of way in favor of the town of Winthrop. The lot which the Property is located was split from a common owner in 1902. The deeds make a reference to the right of way. See Deeds attached hereto as Exhibit III. The fact that the strip of land is paved, and my understanding of its former use for pedestrian access, further fortify my conclusion that Winthrop does indeed have interest in a right of way. Further, there appears to be no documented abandonment

and no taking by Winthrop. Therefore, it appears that Winthrop maintains this right of way in full force and effect to this day.

Upon information and belief, this strip of land formerly allowed pedestrian access to the "Highlands" train station, a stop on the former "Boston, Revere Beach & Lynn Railroad," from 1888-1940. See Historic Railroad Map attached hereto as Exhibit IV. The right of way is labeled as "Summit Ave Path" on this map. The train appears to have ceased operations in 1940. It does not appear that the path has provided any use or service to the public since that time.

My clients have consistently maintained this path since they moved into the Property. Unfortunately, the path has become a haven of homelessness and drug use. The path is consistently filled with garbage, needles, and other waste. These activities have spilled off the path and onto my clients' property. While my clients have used their best efforts to clean and maintain the path, they strongly object to the activities taking place. The situation has divulged into an unsustainable and dangerous state. This drug use, loitering, and garbage is bad for my clients, their neighbors, the neighborhood in general, and the entire Town of Winthrop.

This being said, my clients are requesting a release of the right of way. They, and their neighbor, seek to create a driveway to allow access to their respective properties.

As you are likely aware, M.G.L. c. 40, §15 provides a mechanism by which the applicable officers of a city or town may abandon an easement or right of way which is no longer required for public purposes. It is my clients' position that the right of way is no longer required for public purposes. Based on the railroad closing over eighty years ago, and the unproductive and undesirable uses since, this will benefit both the Town and my clients.

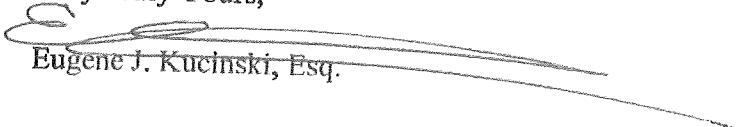
I have drafted a Release of Right of Way, as well as an Authorization to Waive/Abandon Rights in Real Estate. They are attached hereto. I am also happy to provide Microsoft Word versions of these documents should any edits be necessary. I am requesting that these documents be signed and recorded. My clients are willing to pay any necessary recording fees.

As stated, my clients desire to utilize the space in a practical and useful way. They intend to begin the process as soon as possible. I expect their eagerness to be met with expedient resolution by the town.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

Very Truly Yours,


Eugene J. Kucinski, Esq.

8/20/24

RECEIVED

2024 JUL -8 A 10:01

TOWN CLERK
WINTHROP, MASS.

Commonwealth of Massachusetts

Town of Winthrop

Office of the Town Clerk

Application for Overhanging Sign or Awning Permit

For Office Use Only

No: _____

Amount Paid: \$25.00

Date: _____

BUSINESS NAME: Faretra Family Trust

ADDRESS OF SIGN LOCATION: 50 Somerset Ave., Winthrop, MA

OWNER'S NAME: Joseph Faretra, Trustee, Faretra Family Trust

OWNER'S ADDRESS: 46 Bellevue Avenue, Winthrop, MA 02152

CONTRACTOR: TBD

PHONE NO.: 617-294-9540

OVERHANG SPECIFICATIONS

1. Describe Project:

The proposed project is a 4 story apartment buildings with 20 apartments. There are "bump outs "on the sides on Somerset and Cottage Park that are 3 feet by 12 feet. Additionally, there is an overhang on the front of the building on floors 3 and 4 that extends out over the sidewalk but is still within the property line.

2. Length of Projection:

3x12 (Cottage Park bump out) and 3x12 (Somerset bump out), Overhang (18.5 x 27.2)

3. Height Above Sidewalk:

Somerset bump out (16.5 ft.), Cottage Park (16.5 ft/26.11ft.)

Overhang in front - 26.11ft.

INSURANCE BOND ON FILE: ☐ YES ☐ NO In process

PLAN ON FILE: ☒ YES ☐ NO

FOR OFFICE USE ONLY

Signature of City Council President: _____ Date of Approval: _____

Signature of City Clerk: _____ Permit Issued: _____
(SEAL)