

Zoom Information

Meeting ID: 873 6907 6033
Passcode: 009843
Phone: 1-646-931-3860



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
SEPTEMBER 4, 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 20, 2024 as circulated

5. **GENERAL INFORMATION AND RECOMMENDATIONS**

6. **PUBLIC HEARING**

7. **PUBLIC COMMENT**

8. **CORRESPONDENCE**

9. **COMMITTEE REPORTS**

Economic Development

Public Works

Appointment Committees & Commissions

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

MBTA 3A Zoning-Refer Citizens Initiative Petition to Planning Board

15. **NEW BUSINESS**

Mosquito Update-Safety Tips

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
- 9-26-24 Winthrop Recovery Event at Town Hall 5:30-8:30

18. **ADJOURNMENT**

**Commonwealth of Massachusetts
Town of Winthrop**

To the Honorable , the Town Council of the Town of Winthrop

PETITION

RECEIVED

2024 AUG -8 P 4: 25

TOWN CLERK
WINTHROP, MASS.

That the Town of Winthrop Zoning Ordinance be amended by inserting a new section, 17.04.060 containing the following language:

1. Any plan to be considered and/or voted upon in order to comply with G. L. c. 40A, § 3A , titled "*Multi-family zoning as-of-right in MBTA communities*" also known as the "*MBTA Communities Act*," and/or associated guidelines of the Executive Office of Housing and Livable Communities as currently in effect or as amended shall be voted upon by the registered voters in the Town of Winthrop by ballot question, and not by the Winthrop Town Council.
2. Any final approval of proposed changes(s) to the current Winthrop zoning laws or districting in order to comply with G. L. c. 40A, § 3A shall be by ballot question voted upon by the registered voters of the Town of Winthrop.

EXPLANATION

Adoption of any plan or any zoning amendment proposed for the purpose of complying with the MBTA Communities Act or associated guidelines shall be only by a ballot question voted upon by the registered voters of the Town and not by the Winthrop Town Council.

Said petition being subscribed by at least 195 voters . The following individuals, being at least 10 in number and identified by name and address are voters and shall constitute the petitioning committee as original signatures.

1. Diana Viens
2. Sheryl Howard
3. Todd Sacco
4. John Dowd
5. Kathleen Cappuccio
6. Carole Mietzsch
7. Vasili Mallios
8. Kurt Millar
9. Vincent Crossman
10. Diane Sands



**TOWN OF WINTHROP, MASSACHUSETTS
OFFICE OF THE TOWN ATTORNEY**

Dt: August 29, 2024
To: Winthrop Town Council
Winthrop Planning Board
Fr: James J. Cipoletta, Town Attorney
Re: Petition For Zoning Amendment

On September 4, 2024, the Town Council will receive the Petition of *Winthrop Says No To 3A* requesting an amendment to Section 17 of the Ordinances of the Town of Winthrop. Section 17 is the Winthrop Zoning Ordinance. Therefore, any adoption or amendment thereof must follow the requirements of G. L. c. 40A, § 5 *Procedure for Adoption or Change of Zoning Ordinances*. These requirements are strict and must be adhered to in all respects.

Therefore, I have set out below a basic roadmap of the procedure that must be followed.

First: Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner provided in § 5.

Second: Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the council of a proposed zoning ordinance:

1. by a city council, a board of selectmen, a board of appeals,
2. by an individual owning land to be affected by change or adoption,
3. by request of registered voters of a town pursuant to section ten of chapter thirty-nine,

4. by ten registered voters in a city,
5. by a planning board,
6. by a regional planning agency, or
7. by other methods provided by municipal charter.

Third: This request was initiated by a citizen petition of registered voters who have been certified by the Town Clerk. Therefore, the request is properly before you for consideration.

Fourth: The council must within fourteen days of receipt of the proposed amendment submit it to the Planning Board for review.

Fifth: The Planning Board and the Town Council, either separately or together, must hold a public hearing at which interested persons are given the opportunity to be heard.

Sixth: The zoning amendment may not be adopted until after the Planning Board and the Council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard.

Seventh: The public hearing must be held within sixty-five days after the proposed zoning ordinance is submitted to the Planning Board by the Council.

Eighth: Adoption of the proposed amendment must be by a two-thirds vote of all the members of the Town Council.

For your reference, I have attached a full copy of G.L. c. 40A, §5.

Respectfully submitted,

James J. Cipoletta

James J. Cipoletta
Town Attorney

ALM GL ch. 40A, § 5

Current through Chapter 139 of the 2024 Legislative Session of the 193rd General Court

Annotated Laws of Massachusetts > PART I ADMINISTRATION OF THE GOVERNMENT (Chs. 1 - 182) > TITLE VII CITIES, TOWNS AND DISTRICTS (Chs. 39 - 49A) > TITLE VII CITIES, TOWNS AND DISTRICTS (Chs. 39 — 49A) > Chapter 40A Zoning (§§ 1 — 18)

§ 5. Procedure for Adoption or Change of Zoning Ordinances.

Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the executive office of housing and livable communities, the regional planning agency, if any, and to the planning board of each abutting city and town. The executive office of housing and livable communities, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-

ALM GL ch. 40A, § 5

laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
- (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and
- (4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.

If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

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When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

History

1975, 808, § 3; 1977, 829, §§ 3B, 3C; 1984, 189, § 47; 1987, 685, § 3; 1991, 515, §§ 1, 2; 1996, 258, § 16; 1998, 161, § 255; 2008, 451, § 45; 2020, 358, § 19, effective January 14, 2021; 2021, 29, §§ 11, 12, effective July 29, 2021; 2023, 7, § 154, effective May 30, 2023.

Annotations

Notes

Codification

Acts 1975, 808, § 3 enacted this section. Section 7 provides:

SECTION 7. This act shall take effect on January first, nineteen hundred and seventy-six as to zoning ordinances and by-laws and amendments, other than zoning map amendments, adopted after said date.

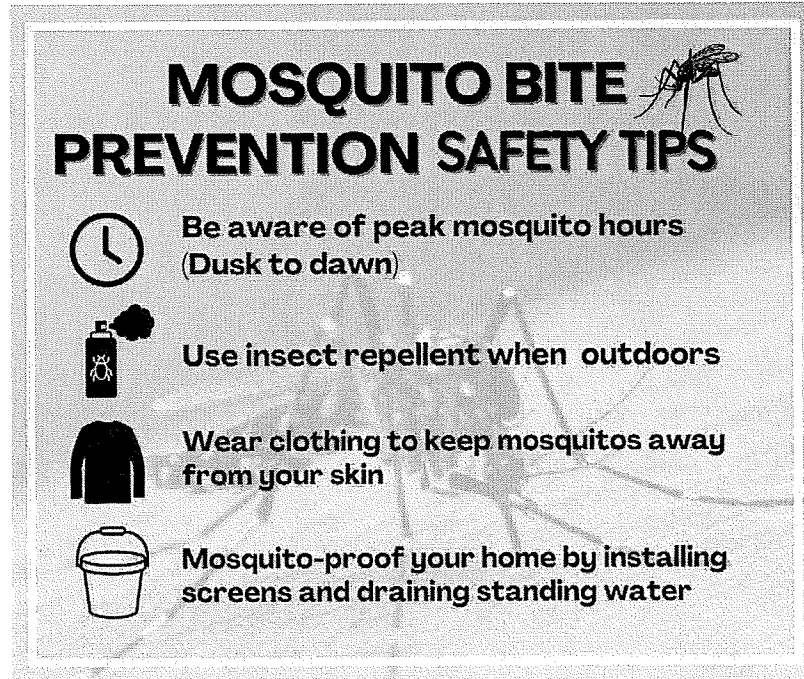
Editor's Note

Acts 2023, 7 is an executive department reorganization plan.

Acts 2023, 7, § 298 provides:

SECTION 298. This act shall take effect 30 days following enactment pursuant to subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

Mosquitos in Winthrop Test Positive for West Nile Virus; Community Members Urged to Take Precautions



WINTHROP — Health Director Meredith Hurley reports that a mosquito tested in Winthrop has tested positive for West Nile Virus (WNV) and that the town's risk level has now been increased to high risk for WNV infection.

As a result, the Town of Winthrop is sharing safety tips to help prevent mosquito bites and the transmission of WNV.

A mosquito from ongoing monitoring on Monday in the northeast area of Winthrop tested positive for WNV. The town was notified of the results on Thursday.

WAS THIS ROUTINE SAMPLING? ARE THERE ANY PLANS TO CONDUCT SPRAYING?

In Massachusetts, public health surveillance is done for two mosquito-borne viruses — West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE). The period of highest risk of getting either disease can be from late July through the fall, until the first frost.

Mosquitoes get WNV and EEE by biting infected birds. People and animals can get these diseases by being bitten by an infected mosquito.

Most people bitten by mosquitoes carrying WNV will experience no symptoms or very mild symptoms and will recover on their own. Persons over 50 years of age have the highest risk of severe WNV disease.

The Town of Winthrop and the Winthrop Health Department offer the following tips so that residents may protect themselves and their loved ones.

Avoid Mosquito Bites — Be Aware of Peak Mosquito Hours. The hours from dusk to dawn are peak biting times for many mosquitoes. Consider rescheduling outdoor activities that occur during the evening, after 6 p.m. or early morning. Otherwise, take extra care to use repellent and protective clothing. Mosquitoes can be active during daylight hours when the temperatures are cool.

Clothing Can Help Reduce Mosquito Bites. Although it may be difficult to do when it is hot, wearing long sleeves, long pants and socks when outdoors will help keep mosquitoes away from your skin.

Apply Insect Repellent When You Go Outdoors. Use a repellent with DEET (N, N-diethyl-m-toluamide), permethrin, picaridin (KBR 3023) or oil of lemon eucalyptus [p-methane 3, 8-diol (PMD)] according to the instructions on the product label. DEET products should not be used on infants younger than 2 months of age and should be used in concentrations of 30 percent or less on older children. Oil of lemon eucalyptus should not be used on children younger than 3 years of age.

Mosquito-Proof Your Home — Drain Standing Water. Mosquitoes lay their eggs in standing water. Limit the number of places around your home for mosquitoes to breed by either draining or getting rid of items that hold water. Check rain gutters and drains. Empty any unused flowerpots and wading pools, and change water in birdbaths frequently.

Install or Repair Screens. Some mosquitoes like to come indoors. Keep them outside by having tightly fitted screens on all windows and doors.

The state offers useful information about West Nile Virus [here](#).

Information about WNV and EEE is also available by calling the DPH recorded information line at 1-866-MASS-WNV (1-866-627-7968), or the DPH Epidemiology Program at 617-983-6800. There is a helpful fact sheet located at <https://www.mass.gov/doc/wnv-factsheet-english/download>.

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