

TOWN COUNCIL SEPCIAL MEETING MINUTES OF NOVEMBER 19, 2024

President Letterie calls the Town Council Special Meeting to order at 6:30 DeLeo Sr. Center

ROLL CALL

Present: Councilor Tassinari, Councilor Costigan, Councilor Munson, Councilor DeMarco
Councilor Aiello, Councilor Swope, Councilor DaRos Vice President Belcher, President Letterie

PLEDGE OF ALLEGIANCE

Councilor Swope

Town Council President opens meeting for discussion of the Winthrop Planning Boards recommendation to the Town Council of the Town of Winthrop Complying with MBTA 3A Zoning

He publicly thanks the Planning Board for their tremendous work on this recommendation. They were tasked with doing a plan that complies with the State Law and he thanks entire board for their incredible work. Everyone either Pro or Oppose to 3A should respect their hard work.

Motion by Councilor Swope that the Town Council vote to accept the Planning Boards recommendation on Section 3A of the MGL to recommend the creation of two distinct overlay zoning districts to comply with section 3A. Seal Harbor covering Seal Harbor and Fort Heath as well as Governor's Park without any impact on the CBD or take any other action thereto.
The Planning Board also passed a motion outlining the necessary zoning changes including the elimination of a special permit process for applicants seeking to pay the parking in lieu of Section 17.50.210. the special permit requirement in this section will be removed and addressed during the site plan review process with the Planning Board approval or take any other action thereto.

2nd by Councilor DeMarco

Discussion

Councilor Tassinari recuses himself from this discussion.

Councilor Costigan asks if the parking in lieu of fee initially included?

Town Council President reports this condition is from the state in order for the town to be credited 220 unit offset. This does not put the CBD in the 3A Zoning but it is required from the state.

Councilor Aiello ...Please see attached copy of remarks

Councilor Swope... Please see attached copy of remarks

Councilor DaRos---Please see attached copy of remarks

Vice President Belcher...Thanks all that are here on both sides of issues. She is looking forward to all citizens input in our communities zoning. She does not think appropriate without answers from other communities or the courts to vote and makes a motion:

Motion by vice President Belcher to Continue until the 12-3-24 Town Council Meeting

2nd by Councilor Aiello

Discussion

Town Council President states there is no guarantee when we will get these rulings and it is just time to vote.

Roll Call Vote to Table Motion until 12-3-24

Councilor Costigan	No
Councilor Munson	Yes
Councilor DeMarco	No
Councilor Aiello	Yes
Councilor Swope	No
Councilor DaRos	Yes
Vice President Belcher	Yes
President Letterie	No

Motion Does Not Pass

Councilor Munson discusses regardless of how vote goes. We are all still neighbors and the tone and infighting has really been bad to Winthrop and our residents. False accusations and threatening people have become toxic for our community. He believes this MGL was poorly drafted and submitted to towns whose communities cannot handle this. We are already dense....and instead of this one side fits all, the state has listened and verbally agreed that one side does not fit all. On paper, it is 0 new units. He is asking people to understand that if there are changes, understand. This could cost the town extra legal fees and costs that the town should not have to endure. He will comply and keep fighting for our community he is being strategic.

Councilor Costigan believes this is being jammed down our throats by the state but asks that our residents work together and not at each other. Our population is already close to 22,000 residents and this is why he will be voting NO.

Councilor DeMarco believes this is common sense. He represents his constituents and they are against this.

Do we want the State to decide or the people of Winthrop? We want the people of Winthrop and this is why he is voting NO.

Town Council President states the town has had this discussion for way too long. He thanks both the yes and no people...he thanks Rep. Jeff Turco for his support and gives an update on the motion.

Yes Vote complies with 3A- No Vote does not comply with 3A- 5 Yes Votes are Needed to Pass

Discusses the grants that may or not be affected by the town complying or not. We do rely on some of these grants. We were denied an MVP Grant earlier, he does have concerns. Winthrop is unique and a very special town. The town should stand up for what they believe. There is a good chance this might be on a ballot.

Motion to Accept the Planning Boards Recommendation to Comply with MBTA 3A Zoning

Councilor Costigan	No
Councilor Munson	Yes
Councilor DeMarco	No
Councilor Aiello	Yes
Councilor Swope	No
Councilor DaRos	Yes
Vice President Belcher	Abstain
President Letterie	No

Motion Does Not Pass

ADJOURNMENT

Motion to adjourn by Vice President Belcher at 7:20 pm

2nd by Councilor Aiello

Passed Unanimously

Public Documents used in the meeting are available at Town Managers Office.

Documents Used in this Meeting: Handwritten Notes / Committee Openings Documents Roll Call Log

Written Motions / Verbal Motion

Respectfully submitted.

Denise Quist

Town Clerk

Council Clerk



Town of Winthrop Planning Board

November 14, 2024

Jim Letterie, Council President
& Winthrop Town Council
Town of Winthrop
1 Metcalf Square
Winthrop, MA 02152

Dear Council President Letterie and Town Councilors,

I am writing on behalf of your Planning Board to share our recommended plan for compliance with Section 3A of MGL c 40A, otherwise known as the MBTA communities Act.

The requirement is codified as Section 3A of MGL c. 40A:

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27½ of chapter 23B.

(c) The executive office of housing and livable communities, in consultation with the executive office of economic development, the Massachusetts Bay Transportation Authority and the

Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

The Winthrop Planning Board has worked throughout 2024 to develop a plan that ensures compliance with Section 3A of Massachusetts General Laws (MGL), while minimizing the impact on the town. This plan aims to meet state requirements and maintain Winthrop's eligibility for future state grant funding. The process was iterative, refined through public feedback, town council input, and guidance from our consultant, RKG Associates, Inc.

On November 12, 2024, the Planning Board unanimously voted to recommend the creation of two distinct overlay zoning districts to comply with 3A: **Seal Harbor Road** (covering Seal Harbor and Fort Heath) and **Governors Park**. Please refer to the attached PDF for the final presentation of this plan.

Additionally, the Central Business District (CBD) is included as part of the compliance strategy as a Mandatory Mixed-Use overlay, though it is not formally designated as a 3A overlay district. However, the units already permitted in this district will contribute to the town's compliance, without any direct impact on the CBD.

The Planning Board also passed a motion outlining the necessary zoning changes, including the elimination of a special permit process for applicants seeking to pay the parking in lieu fee. Going forward, this fee will be paid during the site plan review process, with the Planning Board's approval.

This plan recognizes that Winthrop's already dense neighborhoods include areas where special permits created density that aligns with the goals of the MTA 3A law, despite existing base zoning not permitting the density we currently experience. These zoning overlays, without changes to base zoning, will support the town's compliance plan without causing additional strain or disruption to the community.

We appreciate your support throughout this process and are confident that this plan represents a practical path forward for Winthrop.

Thank you for your time and service,

Christopher Boyce
Chairperson Winthrop Planning Board

Winthrop has awakened as a community around the issue of 3A.

You have emailed, attended meetings, held signs, made phone calls, gone to court, argued among yourselves, talked to our representatives, written and signed petitions, filed for an exemption. Many of you have spent more time, thought, and energy on this issue than anyone around this table.

Some of you want to hear the Town Council vote. Many of you want your voices heard through a town wide vote as this issue has great impact on our town now and in the future.

I have been at almost every meeting, I have read every email written to me, I have spoken to our representatives, I have read the law, I have read the decisions of other towns and I have spoken to many of you.

I have made my decision of a no vote based on the following:

The offset of the CBD is included in our 3A proposal from the planning board and it will dictate our ability to change, create and develop what the Town of Winthrop wants in the CBD.

1. "Standards for Mandatory Mixed Use Districts" reads: In order for a mandatory mixed use district to be eligible to offset the required unit capacity, the district must meet the following standards: Of the 8 standards, the following three standards could greatly impact us:
 - a. There are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families and children.
 - b. Nonresidential uses are limited to the ground floor
 - c. There is no minimum parking requirements associated with the non-residential uses allowed as of right.

Winthrop should be able to decide what we want—a business that is two stories vs. just ground floor, apartments or condominiums that are "residents over 55" communities, small and large units, parking structures that allow visitors to come and shop, etc.

2. A state controlled property as designated, while may not change immediately, is under the control of the State, not the town.

The question posed to the AG's office offers the following response:

Does passage of an MBTA compliant zone require changes to existing properties?

No. The passage of a zoning district to comply with the MBTA Communities Law does not require existing property owners to alter their properties or to change otherwise lawful restrictions in leases of home owner association contracts. **It merely allows that multifamily housing can be developed as of right should a property owner choose to develop it.**

The future should be ours, not the State's. As an example, under our current regulations, Fort Health, a family owned building, could ask the town for permission to change the configuration of their building, but the abbuters, Town Planning Board, the Ordinance Appeals Board and Building Inspector would have some oversight in the decisions made. 3A allows building by right.

3. Early on, Ms. Edwards appeared to support our development plans. Also it appeared that a visit to Winthrop by Augustus would demonstrate that Winthrop was truly different than other communities, in density, traffic, airport pollution, need for improved infrastructure, lack of school funding etc. Certainly the state would not wreak more havoc on us.

As soon as Milton fought the bill and Ms. Edward said she would crush them, I was worried. At first I thought that it was just a mistake by a junior senator. However, she continues to support punishment if

a town/city does not comply with 3A. We will see if she and Mr. Turco stand up to the State in support of Winthrop. The visit by Augustus did not change the required accounting for 882 units.

4. We have an Exemption Case in the courts. Why is the Town not supporting it? All of you who claim that the state might take money away, wouldn't you like the courts to find us exempt? I do not want to interfere with this case going forward. It would be our salvation. A vote "yes" today would destroy our chances.
5. While none of us really knows what the future holds, a no vote could in the future be a yes vote depending on the changing rules and regulations. You would not take a mortgage on your home that was this fluid. I will vote no tonight, realizing that given the forever changing regulations, a future yes vote is possible. For example, if the Attorney General wrote a formal letter to Winthrop that no additional housing would be built now or in the future as a result of 3A, I will reconsider my vote. One last thought, those of you that are so positive that increases in housing will never happen here as a result of 3A should be willing to pay for the additional school, increased personal and physical infrastructure needs. If this goes through, we may find that the costs far outweigh the benefits. We are just one of the 177 towns impacted by this law. Hopefully we can join forces and successfully fight the state's overreach.

Councilor Aiello notes from his remarks at the 11/19/24 Town Council meeting on 3A (

Let me begin by stating that I share most of Councilor Costigan's concerns. Those are concerns focused on the CBD and about traffic, emergency access and egress, the "buy-out" provision for parking in our Town Center, the fact that the fiscal impact of that development is unknown etc. The reality is that NONE of those concerns is related to 3A. As the Planning Board proposal and the Board Chair stated repeatedly there will be NO 3A overlay on the CBD so the rules governing its development will follow the rules and zoning created by a previous Town Council.

The PB made clear and we had just previously at this meeting from our Town Attorney that we are free to change the parking rule that COUNCILOR Costigan is concerned with. So no matter how frequently we hear that the CBD will become a 3A district- that is not true.

However, and as I stated repeatedly at previous meetings, the Town is zoned to accommodate something in the range of an additional 600 units. That zoning was done a few years back and passed by the Town Council. SO we do need to deal with Councilor COSTIGAN's concerns but again those concerns sit outside any decision regarding the PB' proposal.

Because the 3A proposal if approved will result in ZERO new units being built in Winthrop as a result of 3A. Let me repeat ZERO.

We can pass this and have no impact and be done. The PB did a wonderful job and convinced the Commonwealth that we are the kind of TOWN that they hope other communities would move toward. The PB also listened carefully to the concerns of residents that the proposed 3A overlay at Seal HARBOR, Ft Heath and GOVERNOR'S Park will result in no possibility under 3A to add new buildings or otherwise expand. The AG has made it clear in writing that the condo docs will NOT be impacted by 3A. In fact the zoning allows for fewer units than currently exist at those sites.

There has been a lot of misleading information regarding 3A. The PB report holds sway. PLEASE watch last week's Borad meeting and read through the report.

For those telling you to vote NO, ask them what their endgame is. They don't have one. They are on the road to nowhere. So if we vote no will the Commonwealth just say "OK, never mind". I don't think so. Will fines come our way? Will we need to spend your tax dollars to hire lawyers to defend us? Will a solution get imposed on us?

Do you think that after we poked them in the eye the state might take away that 200+ credit and tell us to now go find that many of new units? And it could get worse.

I grew up in Boston where the School COMMITTEE refused to follow the law that required them to ensure black children had the same quality education as the white kids. Guess what happened- a judge ended up running the School Department and we all know how well that all turned out. The road of NO?

Let me conclude that it seems that we'll not comply with the law by passing the PB's plan.

In a TOWN that is in financial peril we need state aid. Our schools, public facilities, aged infrastructure and climate change are all big ticket items and NO means putting ourselves in jeopardy.

So for those who support or vote no, what will you say to your family and friends who ask you – why are our schools declining, why are we losing neighborhoods to flooding, why do my taxes keep going up? Well- look in the mirror for the answer.

Councilor DaRos remarks on 3A....

At the Planning Board's presentation last Tuesday here in this room, I publicly thanked everyone on both sides of this issue for all of their hard work and great questions in vetting the 3A law and guidelines and their implications for Winthrop.

I then thanked the Planning Board for their tremendous effort over the past year in helping us all "go to school" on all things Zoning, understanding the 3A law & guidelines, and for taking on the challenge of crafting a plan that would comply with the law while resulting in minimal to no impact on our already dense town.

I then asked Planning Board Chair Chris Boyce to "bottom line it for me and the town." I asked him, "Here are my four (4) key takeaways from your final plan presentation – tell me if I got this right:"

1. How will your recommended plan change Winthrop in any way, if at all?
 - a. My Takeaway: The impact will be zero.
 - b. Chris: Correct.
2. Is there any chance, any possibility, that your recommended plan will result in overdevelopment, like the Seaport, or Revere Beach?
 - a. My Takeaway: There is no chance of that happening under this plan.
 - b. Chris: Correct.
3. Will there be any impact to the residents of the overlay districts – Seal Harbor 1 & 3, Fort Heath, and Governor's Park?
 - a. My Takeaway: There will be no impact to those residents.
 - b. Chris: Correct.
4. Will the mixed use nature of our Central Business District be impacted at all?
 - a. My Takeaway: No, CBD will still require ground floor commercial. It has been that way for 10+ years and will remain that way.
 - b. Chris: Correct.

Finally, I asked him to reiterate the 10% affordable housing provision they are including in the plan although it is not required by the 3A law.

Folks, the Planning Board was given a tough task, and they nailed it. They nailed it so well that the plan's overlay districts actually zone for LESS units than exist in these locations

today. God forbid if Seal Harbor burned down tomorrow, a builder would need a whole host of special permitting to build back as many units as there are there today.

A Yes vote will enable us to comply with the law while maintaining eligibility for a list of grants that are key to the future of Winthrop, especially climate resiliency grants that we sorely need.

People in our town are hurting today from flooding and it's only going to get worse if we don't vigorously pursue state grants for design & engineering work and federal grants for construction and implementation.

As the chair of the Finance Subcommittee and a member of the Climate Commission, I can tell you we need the money. In the coming weeks and months, you will see the Climate Commission provide very specific estimates on the best options to tackle the situations at Morton Street, Pico, Tileston & Girdlestone, Yirrell Beach, Delby's Corner and others. The earthen berm for Morton Street alone will cost over \$12M. The price tag across town will most likely land in the \$50-75M range when all is said and done.

To my fellow Councilors considering voting No on the Planning Board's plan, I ask you three things:

1. To remember as Council President Letterie correctly stated at our last Council meeting – "We cannot vote No on a State Law. We are voting Yes or No on the Planning Board's recommended plan.
2. What parts of the plan would you like the Planning Board to change? Are there specific things you would like them to consider?
3. Where do you see funds available in the town budget to pay for a court battle with the state? My understanding is Milton has spent several hundred thousand dollars to date.

To date, 83 of the 177 communities required to comply with 3A have passed compliant 3A zoning. Some of these were skeptical of the law at first, but then crafted zoning right for their town and passed their 3A zoning, like Gloucester on October 1st by a 7-0 city council vote with 2 councilors recusing themselves.

If you truly care about the future of Winthrop, I urge you to vote Yes on the Planning Board's recommended 3A plan.

Thank you.