

ZOOM INFORMATION

Meeting ID:

Passcode:

Phone:



WINTHROP TOWN COUNCIL

MEETING AGENDA

SEPTEMBER 16, 2025

6:30 PM

HARVEY HEARING ROOM

Town Council Members

Town Council President James Letterie

Precinct 1 Councilor Costigan

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. MINUTES

Approval of Minutes September 2, 2025 as circulated

2. GENERAL INFORMATION AND RECOMMENDATIONS

Swearing In:

Fire Chief Stephen Calandra

Deputy Chief Paul Montgomery

Captain Michael O'Keefe

Lieutenant Aaron Smith

Lieutenant Devon Racow

3. PUBLIC COMMENT

4. CORRESPONDENCE

5. COMMITTEE REPORTS

R&O

6. SCHOOL DEPARTMENT REPORT

7. UPDATE POLICY MAKING COMMITTEES

8. TOWN MANAGER REPORT

9. OLD BUSINESS

- Town Council vote to approve the draft of the ADU Ordinance without a recommendation from the Planning Board
- Ordinance Review Committee recommendation-Town Council Change/Abandonment

10. NEW BUSINESS

- Appointment(s)
- Temporary-Voting Polls Relocation for Nov. 4, 2025 Election
- Sale of Land (Crescent St. Lot)
- Morton St. Berms
- Dedication request by Council President Letterie for Jim Evans

11. PUBLIC COMMENT

12. PUBLIC RELATIONS / UPCOMING EVENTS

13. ADJOURNMENT



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742 Fax: 617-539-0812

Jim Letterie
Town Council President

MOTION

Submitted By: Council President Letterie

Date: 8-28-25

TEXT OF MOTION

MOTION: That the Town Council vote to approve the draft of the Accessory Dwelling Unit without a recommendation from the Planning Board; or take any other action thereto

§ 17. --- **Accessory Dwelling Units**

§ 17.---Purpose.

Draft 2025-02-03

Accessory Dwelling Units are allowed within any Single Family Zoning District as defined in 760 CMR 71.02 in order to:

- a. Increase the number of small dwelling units available for rent in town,
- b. Increase the range of housing choices,
- c. Encourage greater diversity of population with particular attention to young adults and senior citizens, and
- d. Encourage a more economic and energy efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.
- e. Provide a broader range of accessible and more affordable housing.

(INSERT: **Date of Adoption and Council Order #**)

§ 17.— Definition of Accessory Dwelling Unit.

"Accessory Dwelling Unit" means a self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to other applicable dimensional and parking requirements that (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area (GFA) than $\frac{1}{2}$ the gross floor area of the Principal Dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions set forth in this these ordinances.

§ 17.— Requirements for all Accessory Dwelling Units.

A. All accessory dwelling units within Principle Dwelling must meet the following requirements:

- (1) There shall be no more than one legally occupied unit in a Principal Dwelling where an Accessory Dwelling Unit is proposed to be created.
- (2) No structure that is not connected to the public water and sanitary sewer systems shall have an Accessory Dwelling Unit.

- (3) No Accessory Dwelling Unit shall be permitted below the FEMA one hundred-year base flood elevation established on the FEMA one hundred-year flood hazard map for the Town of Winthrop.
- (4) The Accessory Dwelling Unit shall be located within the Principal Dwelling or outside the Principal Dwelling on the same lot.
- (5) The maximum gross floor area of an accessory dwelling unit shall not be larger in gross floor area (GFA) than $\frac{1}{2}$ the gross floor area of the Principal Dwelling or 900 square feet, whichever is smaller.
- (6) There shall be no enlargements or extensions of the Principal Dwelling in connection with the creation of an Accessory Dwelling Unit except for minimal additions necessary to comply with building, fire safety, or health codes, or enclosure of an entryway, or for enclosure of a stairway to a second story as determined by the Inspector of Buildings. Any enlargements or extensions for these purposes must conform to the dimensional regulations of this title.
- (7) No Accessory Dwelling Units shall be allowed within a duplex or townhouse dwelling or condominium building.
- (8) Accessory dwelling units may not be held in separate ownership from the Principal Dwelling.
- (9) Commercial use is prohibited within an Accessory Dwelling Unit.
- (10) The Accessory Dwelling Unit must comply with all building, fire safety, and health codes and shall be designed so that the appearance of the principal structure maintains that of the Principal Dwelling.
- (11) No Accessory Dwelling Unit may be utilized as Short-Term Rental.
- (12) More than one Accessory Dwelling Units on a single lot is prohibited unless authorized by Special Permit by the Board of Appeals and subject to administrative site plan review.

§ 17.– Siting Standards:

All Accessory Dwelling Units shall be subject to the following siting standards:

- a. A detached Accessory Dwelling Units shall not be located between a roadway and the front facing side of the Principal Dwelling.
- b. Where an Accessory Dwelling Unit has a separate exterior entrance from the Principal Dwelling or is a separate Building, the Accessory Dwelling Unit shall be accessible from a defined path or walkway.

c. All stairways to the primary entrance to an Accessory Dwelling Units located on a second or third story of the Primary Dwelling shall be enclosed within the exterior walls, unless otherwise required by applicable provisions of the State Building Code.

§17.--Permitting Regulations and Permit Review Authority

a. The Inspector of Buildings shall be the permit granting authority for As-of-Right Accessory Dwelling Units.

b. A plan and compliance review shall be conducted by the Inspector of Buildings concurrently as part of a Building Permit application.

c. Special Permit requests pursuant to § 17.-- above shall be filed with the Winthrop Board of Appeals as the special permit granting authority.

17.-- Site Plan Review Requirement

Administrative Site Plan Review as set out and defined in Section 17.-- shall be required:

(a) Where the existing footprint of the Primary Dwelling is requested to be altered in order to accommodate the construction of an Accessory Dwelling Unit;

(b) Where the proposed Accessory Dwelling Unit is to be located in a structure detached from the Principal Dwelling;

(c) Where the Inspector of Buildings determines that a more exhaustive examination and analysis of the plans by the fire department, health department, police department, and/or Department of Public Works is necessary in making a determination on the application.

§ 17.-- Off-street parking requirements.

A. There shall be no parking required for an accessory dwelling unit where the accessory dwelling unit is within a Principal Dwelling that is located within a .5 mile radius of an MBTA transit station as defined in 760 CMR 71.02 and the existing Principal Structure complies with the required parking **off-street parking spaces as set out in Section 17.-- of this chapter.**

B. For Principal Dwellings that are located further than a .5 mile radius of an MBTA transit station, there shall be one additional parking space required for the accessory dwelling unit in addition to the off-street parking spaces required for the Principal Dwelling. An accessory dwelling unit parking space may not be created within the front yard of the Principal Dwelling nor the Accessory Dwelling Unit but may be created within the side yard to allow up to two vehicle tandem parking.

§ 17.— Detached Accessory Dwelling Units.

A. Accessory structures, garages, and detached accessory dwelling units shall not exceed one and one-half (1.5) stories or eighteen (18) feet in height.

B. Detached accessory dwelling units shall comply with all regulations set forth in Section 17 --- (Accessory Buildings and Structures) of this Ordinance.

§ 17.— Inspections.

The Owner of the property containing the Accessory Dwelling Unit shall provide permission to the city municipal inspection department, health department, and fire department to inspect the property annually and shall agree to provide full and voluntary access to the residences on forty-eight hours' notice from the city.

§ 17.— Enforcement and penalties.

A. Any person who (i) offers an accessory unit within the Principal Dwelling as an accessory dwelling unit for lease or rent where such unit is not an eligible accessory dwelling unit or (ii) fails to comply with other provisions of this chapter shall be fined three hundred dollars per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. In addition to fines described in this section, the city may seek an injunction from a court of competent jurisdiction to enjoin the offering, advertising, or using of the unit as an accessory dwelling unit.

B. The provisions of this chapter shall be enforced by all allowable means set out in these ordinances or by seeking to restrain a violation by a court-ordered injunction.

C. The Table of Dimensional Regulations set out in Section 17.-- of these Zoning Ordinances shall govern and regulate the construction and use of Accessory Dwelling Units.



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742

MOTION

Submitted By: Town Council President

Date: 8-12-25

TEXT OF MOTION

MOTION: That the Town Council vote to accept the Ordinance review Committee recommendation to amend the Town Charter Section 2-1 (a) **TERM OF OFFICE** to read that there shall be a town council consisting of six (6) at large councilors, which shall exercise the legislative powers of the town, with three (3) elected at each biennial election for four-year staggered terms. They shall be nominated and elected by and from the voters. The seventh member shall be a council president chosen as provided in section 2-2; or take any other action relative thereto.

**THIS MOTION IS CURRENTLY
UNDER REVIEW BY TOWN COUNSEL**



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742

MOTION

Submitted By: Town Council President

Date: 8-12-25

TEXT OF MOTION

MOTION: That the Town Council vote to accept the Ordinance review Committee recommendation to amend the Town Charter Section 2-1 (d) **ABANDONMENT** to read

1. Any elected council member shall be considered to have abandoned their office if that person fails to attend either three consecutive regularly scheduled meetings of the full council or if that person fails to attend 50% of the regularly scheduled meetings of the full council over a three-month period, unless such absences are determined by the council to be for good cause.
2. The Clerk of the Town Council shall be responsible for maintaining official attendance records of all councilors and shall notify the Town Council President in writing when a councilor meets the attendance criteria for abandonment.
3. Within thirty (30) days of receiving such notification, the Town Council shall hold a public hearing to determine whether the councilor meets the attendance criteria for abandonment, whether there was good cause for the absences, and whether such absences constitute abandonment under this charter.
4. At the hearing, the councilor shall have the opportunity to present evidence and testimony regarding the absences and to show good cause why the office should not be declared abandoned.
5. Following the hearing, the Town Council shall make a formal finding by a two-thirds vote as to whether the councilor has abandoned the office. If abandonment is found, the office shall thereupon be declared vacant effective immediately and the vacancy shall be filled in accordance with the provisions of SECTION 2-11; or take any other action thereto

8-12-25 Motion by Vice President Belcher to Waive Reading

2nd by Councilor Tassinari

Motion Passed

Motion will be tabled until the 9-2-25 for further review



**This memo in reference to the
request from Councilor Aiello on
Abandonment**

TOWN OF WINTHROP
Office of the Town Attorney
Winthrop Town Hall
1 Metcalf Square
Winthrop, Massachusetts 02152

31 July 2025

To: Tony Marino, Town Manager
Fr: James Cipoletta, Town Attorney
Re: Town Council Request

We were requested by the Winthrop Town Council to “*conduct a comprehensive review of all applicable provisions within the Winthrop Town Charter, Town Council Rules, municipal ordinances, relevant statutes of the Commonwealth, and any pertinent regulation in order to identify and clarify the legal standards that determine whether a Councilor is deemed to have officially attended a meeting of the Council – whether such attendance is in person or via remote participation.*”¹

In connection therewith I have reviewed the applicable provisions of the Winthrop Town Charter, Town Council Rules, Winthrop Town Ordinances, Applicable Massachusetts Statutes, and applicable portions of the Code of Massachusetts Regulations (CMR).

I. Abandonment.

The inquiry begins with an examination of the existing provision of the Winthrop Town Charter, specifically Section 2-1 which reads:

(d) **Abandonment** - Any elected council member shall be considered to have abandoned their office if that person **fails to appear** at either three consecutive

¹ Council Motion dated June 24, 2025.

abandoned their office if that person **fails to appear** at either three consecutive regularly scheduled meetings of the full council or if that person fails to appear at 50% of the regularly scheduled meetings of the full council over a three month period, as defined by Council Rules. If the office is abandoned, the office shall be deemed vacant and shall be filled in the manner provided in section 2-11. An allowance for exemption to this rule maybe granted by a 2/3 vote of the majority of the full body of the Town Council.

Charter Section 1-9 is the definitions section. Neither "abandonment" nor "fails to appear" are defined in the charter. Therefore, the common meaning and usage of these terms is to be utilized. There is no provision in the charter that requires a member appearing at a meeting to speak, vote, offer a motion, or to take any other administrative actions. Nor does the Charter speak to the member's status if they are tardy or need to leave prior to the completion of the meeting. "Appear" in my opinion, consistent with the common English language usage, means simply to attend. Attendance may be in person or remotely depending upon the meeting rules in effect at the time.

Ordinance Review Committee (ORC) has sent the Council a proposal for an amendment to this section of the Charter The proposed amendment to this section of the Charter states in full:

SECTION 2-1: COMPOSITION, TERM OF OFFICE [Proposed]

(d) Abandonment

1. Any elected council member shall be considered to have abandoned their office if that person fails to attend either three consecutive regularly

scheduled meetings of the full council or if that person fails to attend 50% of the regularly scheduled meetings of the full council over a three-month period, unless such absences are determined by the council to be for good cause.

2. The Clerk of the Town Council shall be responsible for maintaining official attendance records of all councilors and shall notify the Town Council President in writing when a councilor meets the attendance criteria for abandonment.
3. Within thirty (30) days of receiving such notification, the Town Council shall hold a public hearing to determine whether the councilor meets the attendance criteria for abandonment, whether there was good cause for the absences, and whether such absences constitute abandonment under this charter.
4. At the hearing, the councilor shall have the opportunity to present evidence and testimony regarding the absences and to show good cause why the office should not be declared abandoned.
5. Following the hearing, the Town Council shall make a formal finding by a two-thirds vote as to whether the councilor has abandoned the office. If abandonment is found, the office shall thereupon be declared vacant effective immediately and the vacancy shall be filled in accordance with the provisions of SECTION 2-11.

It is my opinion that the proposal is clearer than the current ordinance and provides more

specific guidance on the subject. One suggestion that I would make is to include definitions of “attend” and “fails to appear” in the Charter in order to avoid future confusion. The Council also may want to consider adding the abandonment section to its Rules.

We have not been requested to opine on whether any councilor has abandoned the office therefore do not here render any opinion on that issue. However, it is suggested that the Council apply the analysis and procedure derived from the information contained in this memorandum.

II. Remote Participation.

The concept of remote participation in public meetings falls within G. L. Chapter 30A, the Massachusetts Administrative Procedures Act, and is subject to the mandates of the Open Meeting Law pursuant to 940 CMR 29:10. The Code of Massachusetts Regulations is not a statute. The regulations serve as rules created by a state agency to implement and enforce statutes. One of the primary purposes of the Open Meeting Law is to “promote transparency with regard to deliberations and decisions on which public policy is based.” 940 CMR 29:10

Pursuant to 940 CMR 29.10 (2), titled, *Adoption of Remote Participation*, remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows²:

Local Public Bodies. The Chief Executive Officer, as defined in G. L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the

² Only portions of the statute and CMR pertinent to the issues addressed are reproduced here.

meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by G. L. c. 30A, § 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of G. L. c. 39, § 23D.

(5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall

state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with G. L. c. 30A, § 22.

(8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines after investigation that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

The method for measuring attendance or absence from a remote proceeding does not vary much from that of in-person attendance with the exception of a slightly higher level of detail in record keeping by the Clerk for purposes of clarity. Recordings of meetings or proceedings carried out remotely should be preserved and maintained in compliance with the applicable Massachusetts records statute.

Additional Points:

- (a) The Council may want to consider including a Charter provision defining what constitutes being in attendance at a meeting.
- (b) Beyond the remedy for violation of the Open Meeting Law during a remote meeting in (9) above, there is no provision for the invalidation of any vote or other action taken during that meeting.

Should you require further or a more in-depth analysis of this or any related issue please let us know.

Respectfully submitted,

/s/ *James J. Cipoletta*

James J. Cipoletta
Town Attorney



TOWN OF WINTHROP OFFICE OF THE TOWN CLERK

Town Hall 1 Metcalf Square, Winthrop, MA 02152 Telephone 617-846-1742 Fax 617-539-5814

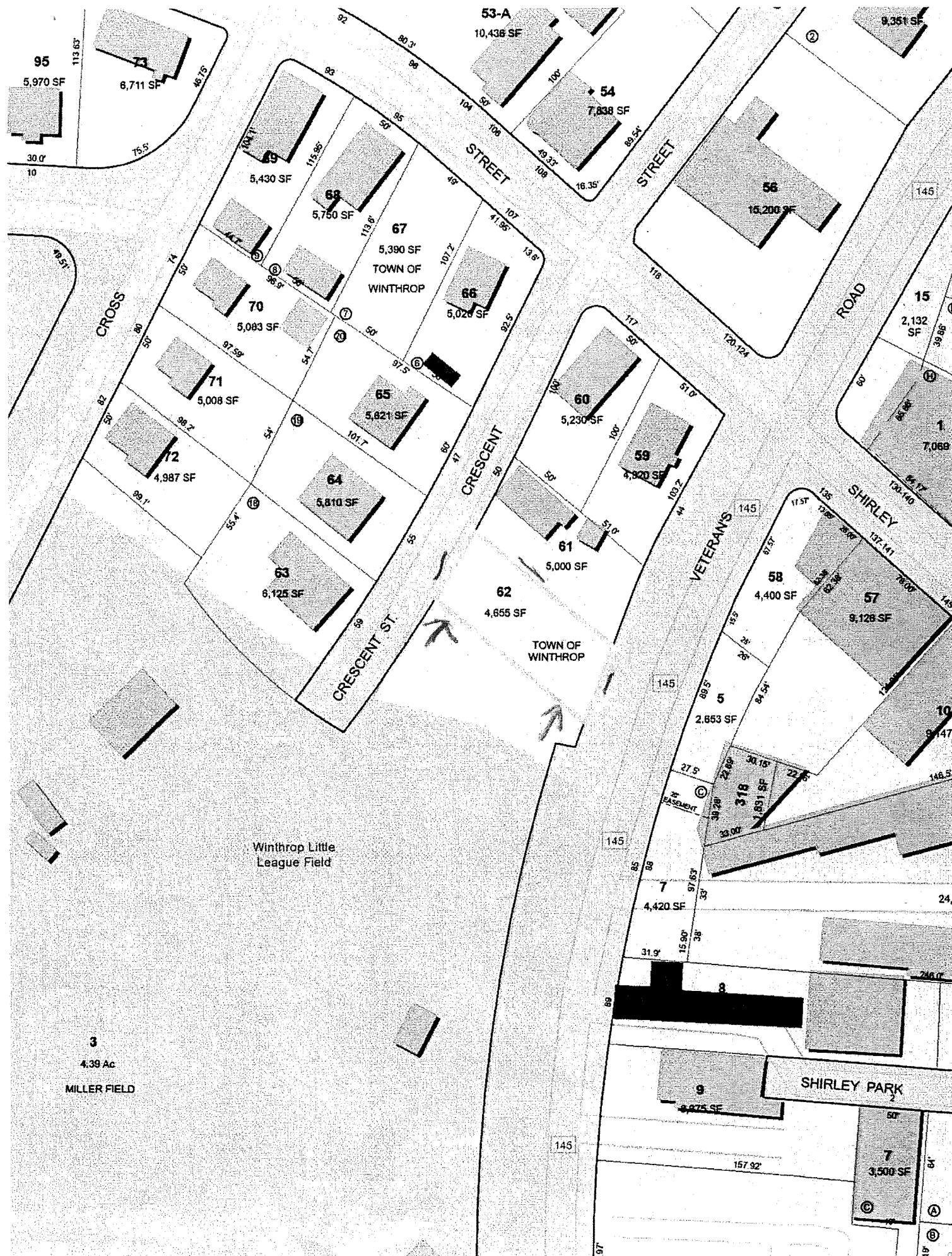
9-16
live auction

Please see email from Anita Petricone who is interested in the purchase of this land...

hi my name is anita petricone and i would like to purchase lot# 56-62 crescent st from the town of winthrop ma. can you please put my request on your agenda for the next town council meeting on aug. 12? attached to my request are two documents i received from the winthrop assessors office. thank you. regards anita petricone cc denise quist

Also included is all information she attached....

[illegible]



**YOU ARE INVITED TO
JOIN THE WINTHROP ART ASSOCIATION**

**BOARD OF DIRECTORS & MEMBERS FOR A
COMMUNITY GATHERING**

Sunday, September 28th, 2-4pm

E.B. NEWTON CULTURAL CENTER

45 PAULINE STREET

WINTHROP, MA 02152

RSVP: DAWN MAHONEY, PRESIDENT, WAA

617-846-2644 617-416-0143

Email: dawn6249@aol.com