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WINTHROP TOWN COUNCIL

MEETING AGENDA

OCTOBER 20, 2026 6:30 PM

TOWN COUNCIL MEETING

HARVEY HEARING ROOM

Town Council Members

Town Council President James Letterie

Vice President Swope-Precinct 4

Precinct 1 Councilor Costigan

Precinct 2 Councilor Dimes

Precinct 3 Councilor Romano

Precinct 5 Councilor Reardon

Precinct 6 Councilor Finn

Councilor at Large Millar

Councilor at Large Tassinari

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

- Approval of Minutes October 6, 2026 as circulated

1. GENERAL INFORMATION AND RECOMMENDATIONS

2. PUBLIC HEARING(S)

- Motion Amending Solid Waste Enterprise Fund for FY27
- Proposed Tree Ordinance
- Review Center Business District Zoning (CBD)
- FY27 Tax Classification

3. PUBLIC COMMENT

4. CORRESPONDENCE

5. COMMITTEE REPORTS

Finance Committee

Rules & Ordinance

6. TOWN MANAGER REPORT

7. OLD BUSINESS

Motion Amending Solid Waste Enterprise Fund for FY27

Rules & Ordinance - Dissolve for Six Month Trial Period

Review of Town Council Rules & Procedures

Small Commercial Vehicle Allowance for Resident Parking Sticker

Proposed Ordinance Amendment(s) Center Business District (CBD)

Proposed Ordinance-Tree

IN COMMITTEE

8. NEW BUSINESS

FY27 Tax Classification

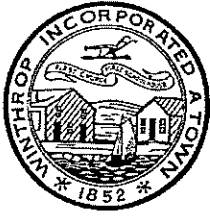
Temporary Prohibition on the Use of AI by the Town Council Pending Adoption of an AI Policy by the Town of Winthrop

Holiday Lighting

9. PUBLIC RELATIONS / UPCOMING EVENTS

- Early Voting October 17th -30th-Town Hall Lobby-Business Hours
- **Please call the Town Clerks Office to verify your voting status-617-846-1852-Avoid Long Lines**
- Only (1) Town Council Meeting November 10, 2026
- 10-29-26 Halloween Haunt Winthrop Center - French Sq. 4-7 PM
- 10-30-26 Cummings School Trunk or Treat 1-3:15PM

10. ADJOURNMENT



TOWN OF WINTHROP

OFFICE OF THE TOWN MANAGER

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1077 Fax: 617-846-5458

Anthony Marino
Town Manager

Town Council Motion

October 1, 2026

Fiscal Year 2027

Motion Summary

Title: Amendment of the Solid Waste Enterprise Fund Budget for Fiscal Year 2027
Motion ID: TCM27-003

Motion Details

Motion Type: Amendment of the Solid Waste Enterprise Fund Budget for Fiscal Year 2027
Submitted by: Anthony Marino, Town Manager
Date Submitted: October 1, 2026

Text of Motion

MOTION: I move that the Town Council vote to the amend the Solid Waste Enterprise Fund budget for fiscal year 2027 to the numbers shown below, which reflects a reduction of \$40,000 to operations and maintenance (tipping fees) and the reduction of \$40,000 of retained earnings as a revenue source. The reason for this amendment is that the Solid Waste Enterprise Fund ended FY26 with a fund balance of zero:

Personnel and Benefits Costs	\$96,973
Operation and Maintenance	\$1,767,324
For a total of	\$1,864,297

Indirect Costs:	\$58,592.99
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And as funding therefor, that the Town vote to raise the \$1,922,889.99 as follows:

User Fees/Other	\$1,442,889.99
Subsidy from General Fund	\$480,000



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

MOTION

Submitted by: Councilor Costigan

Date: 9-8-26

TEXT OF MOTION

Chapter 17.50.130 Process.

Current:

Failure by the Planning Board to take final action upon a Special Permit application within ninety (90) days of the close of the public hearing shall be deemed to be a grant of the Special Permit and the Town Clerk shall so certify.

Replace with:

Failure by the Planning Board to take final action upon a Special Permit application within sixty (60) days of the close of the public hearing shall result in an immediate notification to the Town Council by the Planning Board. The Town Council shall then act as the Special Permit Granting Authority for authorization of Special Permit. In the event the Town Council fails to rule on granting such permit within thirty (30) days it shall be deemed to be a grant of the Special Permit and the Town Clerk shall so certify.

Current:

17.50.210 – Parking requirements for Center Business District.

D. Fees In Lieu of Parking. In the Center Business District, any commercial or mixed-use structure that is required to provide parking spaces may make payments to the town in lieu of providing for part of the on-site required parking.

Payment made to the town in-lieu of providing up to 50% of the required on-site parking spaces for a project in the Center Business District (CBD) shall be allowed by special permit from the planning board, consistent with standards to be adopted by, and published in advanced by the Planning Board. These standards must be kept on file with the Winthrop Town Clerk.

A one-time fee of twenty thousand \$20,000 (the approximate cost of a structured parking space) per parking space is to be paid to the Town of Winthrop prior to the receipt of an occupancy permit.

10/16
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CPS
9-15-26
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min 0
ATTACHED
10-10-26

Fees in-lieu of parking shall be deposited into a town downtown parking reserve account to be used for expenses (e.g. land acquisition, design/engineering services and construction costs) related to adding parking spaces, improving the utilization of existing parking spaces (e.g., signage, parking management activities), or reduce the need for new parking to serve the Center Business District (e.g., bicycle, parking, ride sharing, improved transit).

Replace with:

17.50.210 – Parking requirements for Center Business District.

D. Fees in Lieu of Parking. In the Center Business District, any commercial or mixed-use structure that is required to provide parking spaces may make payments to the town in lieu of providing for part of the on-site required parking.

Payment made to the town in-lieu of providing up to 10% of the required on-site parking spaces for a project in the Center Business District (CBD) shall be allowed by special permit from the planning board, consistent with standards to be adopted by, and published in advanced by the Planning Board. These standards must be kept on file with the Winthrop Town Clerk.

A one-time fee of twenty-five thousand \$25,000 (the approximate cost of a structured parking space) per parking space is to be paid to the Town of Winthrop prior to the receipt of an occupancy permit.

Fees in-lieu of parking shall be deposited into a town downtown parking reserve account to be used for expenses (e.g. land acquisition, design/engineering services and construction costs) related to adding parking spaces, improving the utilization of existing parking spaces (e.g., signage, parking management activities), or reduce the need for new parking to serve the Center Business District (e.g., bicycle, parking, ride sharing, improved transit). Requests to appropriate funds out of this Reserve Account shall be filed with the Town Council.

Current:

17.12.040 – Mixed Use.

Under "Dwelling units shall be allowed on ground floors of buildings if :"

C. the street frontage exceeds 100 feet in length and the maximum ground floor street-facing dwelling units do not exceed 75 percent of street frontage: at the discretion of the Planning Board by special permit consistent with standards to be adopted by and published in advance by the planning Board. These standards must be kept on file with the Town Clerk.

Proposal to Eliminate the following in its entirety:

C. the street frontage exceeds 100 feet in length and the maximum ground floor street-facing dwelling units do not exceed 75 percent of street frontage: at the discretion of the Planning Board by special permit consistent with standards to be adopted by and published in advance by the planning Board. These standards must be kept on file with the Town Clerk.

Changes to Chapter 17.16.030 Table of Dimensional Regulations

Current:

Footnote 15 tag to Height limits in Central Business – Footnote 15. For lots greater than 100,000 square feet in area that are adjacent to a residential district, Footnote 14 shall not apply and the maximum height shall be 35 feet at the minimum setback and may increase one additional foot up to a maximum height of 48 feet so long as an additional foot of setback is provided for each foot of additional height up to 48 feet. Where the height maximum is less than 48 feet, the maximum number of stories shall be 3.

Proposed change;

Eliminate both Footnote 14 and Footnote 15 and revise Max Stories/Height in Table 17.16.030 to Maximum Height of 35 feet only in the Center Business District (CBD)



TOWN OF WINTHROP, MASSACHUSETTS
OFFICE OF THE TOWN ATTORNEY

10 October 2026

Memorandum and Analysis
Proposed Ordinance Amendment To Section 17.50.130

At the request of the Rules and Ordinances Subcommittee of the Winthrop Town Council the Town Manager has asked me to provide comments, analysis, and recommendations regarding certain proposed amendments to the Winthrop Zoning Ordinance. Pursuant to that request, the proposed ordinance amendment to Section 17.50.130 is addressed below.

1. *Proposed Amendment:*

This proposed amendment to Section 17.50.130 - Process, seeks to shift special permit granting authority delegated to the Planning Board to the Town Council in the event that the Planning Board does not act on a special permit request within sixty days. The amendment would replace the current language with the following text:

Failure by the Planning Board to take final action upon a Special Permit application within sixty (60) days of the close of the public hearing shall result in an immediate notification to the Town Council by the Planning Board. The Town Council shall then act as the Special Permit Granting Authority for authorization of Special Permit. In the event the Town Council fails to rule on granting such permit within thirty (30) days it shall be deemed to be a grant of the Special Permit and the Town Clerk shall so certify.

2. *Legal Analysis:*

There are several significant legal problems with the proposed amendment. Under Massachusetts law, the proposed amendment would be invalid because it conflicts with the state zoning enabling act, G.L. c. 40A, § 9, and presents serious legal issues that cannot be reconciled with state law.

A. *The Massachusetts Statute:*

The pertinent portion of Section 9 states, “Failure by the special permit granting authority to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the special permit. The petitioner who seeks such approval by reason of the failure of the special permit granting authority to act within such time prescribed shall notify the city or town clerk in writing within fourteen days from the expiration of said ninety days or extended time ...”

B. *Conflict with Constructive Grant Provisions:*

The validity of a local municipal by-law or ordinance will not be upheld if it conflicts with the state enabling act, Chapter 40A. Under G. L. c. 40A, § 9, a petition for a special permit is constructively granted if the designated authority fails to take final action on the application within the statutory ninety-day period following the close of the public hearing. A local ordinance cannot alter the statutory 90 day time period by allowing another body, such as the town council, to intervene and decide the case after 60 days.

C. *Legislative Authority To Grant Special Permits:*

Pursuant to the provisions of G.L. c. 40A, § 9, in Winthrop the Planning Board is the Special Permit Granting Authority (SPGA) for site plan and design review special permits in the Center Business District (CBD) and the Special Development Overlay District (SDOD). The Planning

Board also is the SPGA for all special permit uses in the Conservation District.(CD).

The consideration of special permits is governed by the state law and the Winthrop Ordinances Section 17.50.130. The latter adopts the applicable standards and required procedures set out in the aforementioned statute. Determination of special permit applications is a quasi-judicial adjudicatory function rather than a legislative act. Hallenborg v. Town Clerk of Billerica, 360 Mass. 513, 516 (1971); Mullin v. Planning Bd. of Brewster, 17 Mass. App. Ct. 139, 142-143 (1983), citing Boston Edison Co. v. Selectmen of Concord, 355 Mass. 79, 83 (1968). Therefore specific notice, hearing requirements, findings of fact, and conclusions of law required by G. L. c. 40A, §§ 9 and 11 apply to the handling and ultimate determination of special permit applications.

Further, the Massachusetts Appeals Court has ruled that a board decision is not valid where members of the board who voted to approve the plan had not been present at all the public hearings when the application was considered. See Mullin v. Planning Bd. of Brewster, *supra* at 139. (in a case of adjudicatory proceedings before the planning board, members are required to attend all hearings on the application to be entitled to vote). In that case, the court ruled that the board acted in excess of its authority, leading the judge to direct the entry of a judgment annulling the board's approval decision.

An exception to the Mullin Rule is G.L. c. 39 § 23D(a), that allows for a member of a municipal board conducting an adjudicatory hearing to miss one session of the hearing and participate in voting on the application, provided that: (1) the member missed no more than one session of the hearing; (2) the member examined all evidence received at the missed session; (3) the evidence includes an audio or video recording of the missed session or a transcript; and, (4) before voting, the member makes a written certification that he or she examined all of the evidence; and,

(5) the written certification becomes part of the hearing record.

It is important to note however, that this exception applies only to one session of the public hearing. Further, a critical distinction here is that council members are not “members” of the Planning Board. Therefore, a claim that council members did all of the things enumerated in § 32(D)(a) and thereby are eligible to vote would be unlikely to withstand a legal challenge based on the plain language of the statute. Furthermore, there is no statutory authority providing for a bifurcation of the adjudicatory process such that the authority to grant a special permit. In this regard, there is a larger problem which is the number of votes required for the grant of a special permit that is addressed below.

D. *Unauthorized Expansion or Transfer of Statutory Powers:*

Zoning boards in Massachusetts are creatures of statute. A board cannot expand its own powers or reshape itself in ways the Zoning Act or other general laws do not allow. Therefore, a local zoning authority cannot alter its membership or transfer its designated statutory powers unless there is specific enabling authority within the governing statute . Because there is no statutory language in G. L. c. 40A, § 9, nor in G. L. c. 41, § 81A - 81J, that authorizes a municipality to transfer special permit decision-making authority from the designated planning board to a town council due to delay, the proposed transfer of power would likely be viewed by a court to be legally invalid.

E. *Violation of Due Process and Practical Application:*

1. Procedural Due Process:

As proposed, the amendment is legally vulnerable as it would undermine the applicant's and abutters' procedural expectations and due process. When the applicant files a special-permit

application, the applicant and parties in interest know which municipal body has jurisdiction. They participate in hearings before that body, submit materials to that body, respond to questions from that body, and build the record before that body. Changing the decision-maker in the middle of the proceeding could, as a matter of law, require the applicant to effectively start over before a different governmental body, all while the statutory ninety day clock on decision -making is running. However, by its terms, the proposed amendment would not place the matter before the council until sixty days after the public hearing has closed. Such a construct would assuredly make the process extremely vulnerable to being deemed invalid.

2. The Number of Required Votes:

G.L. c. 40A, § 9 expressly provides that a special permit requires at least 4 votes of a 5-member board; a 2/3 vote of a board with more than 5 members; and a unanimous vote of a 3-member board. In Winthrop, the Planning Board is comprised of Five (5) members. Therefore, an applicant must gain at least four votes in order for a special permit to issue.

Where the proposed amendment would require the Town Council to vote on the issuance of the special permit the legally required number of votes to obtain the permit would change. The Town Council is comprised of nine members. Under the mandates of § 9, an applicant who began the process with the burden of persuading four members of the planning board to vote in the affirmative then would assume the added burden of convincing six members (2/3) of the council to vote for the issuance of the special permit after the applicant had already presented its case and the public hearing had been closed. As noted above, the proposed amendment provides no provision for re-convening the hearing, nor for argument or submission of additional evidence to the council because the envisioned transfer of authority would occur sixty days after the close of the public hearing. Not

only would this proposal heighten the bar that the applicant must clear, but it leaves no opportunity for the council members to ask questions or for the applicant to clear up any lingering matters. This scenario conjures up grave procedural and constitutional issues and would quite likely run afoul of the applicant's right to procedural due process under Article 10 of the Massachusetts Constitution.

3. *Conclusion and Recommendation:*

Based upon the foregoing facts and applicable law, it would be extremely difficult to defend against a legal challenge to the proposed amendment. Although I am mindful that the intent of amendment, at least in part, may be to avoid the issuance of permits by way of procedural default without the benefit of the application's merits and sufficiency being tested against the required legal standards, my recommendation is that the amendment, in its present form, be withdrawn for noncompliance with state law.

Respectfully submitted,

James J. Cipoletta

James J. Cipoletta
Town Attorney



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742 Fax: 617-846-5458

Motion by: Councilor Romano

October 13, 2026

MOTION

I move for the Rules and Ordinance Committee to be dissolved for a trial period of six months. All matters currently in front of the Rules and Ordinance committee at the passing of this motion shall be put in front of the full council for deliberation at its next regular meeting, with or without a recommendation. The Town council Rules and Procedures Rule 8 shall say the following to reflect this change:

After organization of the Town Council, the President may appoint members to standing council committees. The first named member of each committee shall be the committee's Chair. Each committee shall have five members.

Standing committees shall be:

- a) FINANCE
- b) PUBLIC HEALTH, SAFETY & WORKS COMMITTEE
- c) CAPITAL ASSETS, ECONOMIC DEVELOPEMENT, APPOINTMENTS, COMMISSION AND COMMITTEES

These shall be the only town council standing committees. The council may establish additional committees as it deems it necessary or desirable, as per Winthrop Town Charter Section 2-6 (c) (vi). Council committees as established under this section shall only have the power to make recommendations to send back to the full council and shall not take any votes that are binding on the town council.

FOR REFERENCE ONLY:

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

(c) Rules of Procedure - The town council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

(vi) Committees - The town council shall establish such committees as it deems to be necessary or desirable to enable it to study and evaluate the matters which come before the town council. In establishing committees the town council may provide that some of the members of at least some of its committees need not be members of the town council.



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742 Fax: 617-846-5458

Motion by: Councilor Dimes

October 15, 2026

MOTION

Motion to Establish a Temporary Prohibition on the Use of Artificial Intelligence by the Winthrop Town Council Pending Adoption of an Artificial Intelligence Policy by the Town of Winthrop

Submitted by: Councilor Kim Dimes, Precinct 2
Motion

I move that the Winthrop Town Council vote to prohibit the use of artificial intelligence ("AI"), including but not limited to ChatGPT, Microsoft Copilot, Google Gemini, Claude, and other generative AI tools, in the preparation of official Town Council communications, motions, reports, correspondence, policy recommendations, ordinances, resolutions, and other Council business until such time as the Town of Winthrop adopts a formal Artificial Intelligence Policy governing its use.

Background:

The Town of Winthrop currently has no adopted policy governing the use of artificial intelligence by elected officials or municipal employees. AI-generated content presents significant concerns related to accuracy, transparency, accountability, compliance with public records laws, privacy, cybersecurity, and public trust.

The Town of Winthrop should recognize that the Commonwealth of Massachusetts has adopted an enterprise policy governing the use of generative artificial intelligence within state government, acknowledging both the opportunities and risks associated with these technologies. Likewise, municipalities such as the City of Boston have established formal AI governance frameworks and safeguards prior to authorizing broader use of artificial intelligence technologies.

Given the absence of an adopted local policy, the Council finds it prudent to establish clear standards, safeguards, and accountability measures before AI is utilized in the conduct of official municipal and legislative business.

Requested Action

Vote to:

1. Prohibit the use of artificial intelligence tools by members of the Winthrop Town Council for official Council business until an AI policy is adopted by the Town of Winthrop.
2. Direct the appropriate committee, Town Counsel, and/or Town Administration to develop recommendations for a comprehensive Artificial Intelligence Policy.

Effective date:

Immediately upon adoption and remaining in effect until such time as the Town of Winthrop approves an Artificial Intelligence Policy.