

2025 Town Meeting Warrant



Commonwealth of Massachusetts,
County of Essex, ss
to Any Constable in the Town of Marblehead
Greeting:

You are hereby required and directed in the name of the Commonwealth of Massachusetts to warn and give notice to the inhabitants of Marblehead, qualified to vote in elections and in town affairs, to meet at the Marblehead Veterans Middle School Auditorium, Duncan Sleigh Square, 217 Pleasant Street, Marblehead, MA, on Monday, the fifth day of May next A. D. 2025 (it being the first Monday in May) at 7:00 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

ARTICLE 1: Articles in Numerical Order

To see if the Town will vote to adopt an order requiring articles in the Warrant to be taken up in their numerical order, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 2: Reports of Town Officers and Committees

To receive the report of the Town Accountant, the reports of the Town Officers, and special committees, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 3: Consent Articles

To see if the Town will vote to approve the following consent articles:

a. Assume Liability

That the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, for all damages that may be incurred by work to be performed by the Massachusetts Department of Transportation for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth, or take any other action relative thereto. Sponsored by the Select Board.

b. Accept Trust Property

That the Town will vote to accept certain trust property, gifts or grants to be administered by the Town or modify the terms thereof, or take any other action relative thereto. Sponsored by Town Counsel.

c. Lease Town Property

That the Town will vote to authorize the appropriate Town Officers to let or lease such land, buildings or structures owned by the Town on such terms as they may determine, or take any other action relative thereto. Sponsored by the Select Board.

d. Contracts in Excess of 3 Years

That the Town will authorize the Select Board, pursuant to G. L. c. 30B § 12, to enter into contracts in the best interest of the Town in excess of three (3) years but not more than ten (10) years, or take any other action relative thereto. Sponsored by the Select Board.

e. Financial Assistance for Conservation

That the Town will vote to authorize the Conservation Commission and other proper officers of the Town to apply for financial assistance from public and private sources to be expended by the Conservation Commission for the purchase of vacant land and any other purpose, authorized by Section 8C of Chapter 40 of the General Laws as amended, or to reimburse the Town for sums of money expended for such purposes, or both, or take any other action relative thereto. Sponsored by the Conservation Commission, or take any other action relative thereto

ARTICLE 4: Unpaid Accounts

To see if the Town will vote to appropriate or transfer from available funds a sum of money to provide for the payment of any unpaid accounts brought forward from previous years, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 5: Departmental Revolving Funds

To see if the Town will vote to fix the maximum amount that may be spent during FY 2026 beginning July 1, 2025, for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 § 53E ½, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 6: Purchase of Equipment of Several Departments

To see if the Town will raise and appropriate any sums of money for the purchase and/or lease of equipment for several departments of the Town, and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 7: Lease Purchase

To see if the Town will vote pursuant to G.L. c. 44 §21C, to authorize the Select Board to enter into lease purchase agreements for the lease and purchase of vehicles and certain capital for a period of time not in excess of the useful life of the property to be procured on such terms and conditions as the Select Board deem in the best interest of the Town; and to authorize the Select Board to take all actions necessary to administer and implement such agreement and to fund said lease purchase through an annual appropriation in the Capital Budget, or take any action relative thereto. Sponsored by the Select Board.

ARTICLE 8: Capital Improvements for Public Buildings

To see if the Town will vote to raise and appropriate a sum of money for remodeling, reconstructing and making extraordinary repairs to existing Town or School buildings, infrastructure, and the purchase of necessary equipment including computer hardware and software to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 9: Walls and Fences

To see if the Town will vote to raise and appropriate a sum of money for the construction and reconstruction of walls and fences for the protection of highways and property, including engineering services in connection therewith; to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore; to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 10: Stormwater Construction:

That the Town will vote to appropriate, borrow or otherwise fund a sum of money for the construction, reconstruction, permitting and maintenance of storm sewers for surface drainage, including engineering services in connection therewith, and for general Drain Department purposes, including the purchase or lease of equipment, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore, and to raise the money for such purposes by the issue of bonds or notes or in any other manner, to be expended by the Department of Public Works, or to take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 11: Consent Articles, Water and Sewer

To see if the Town will vote to approve the following consent articles:

a. Water Department Construction

That the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary.

b. Sewer Department Construction

That the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewerage disposal, pump stations, original pumping equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants, surveys, including revenue studies and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary.

c. Water and Sewer Commission Claims

That the Town will vote to authorize the Water and Sewer Commission and the Select Board acting jointly to compromise any claims for damages or suits pending against the Town of Marblehead on account of acts which may have occurred during the construction of the water or sewer systems, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners

ARTICLE 12: Proposed Reclassification and Pay Schedule (Administrative)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to strike out the pay schedule as it relates to Administrative personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 13: Proposed Pay Schedule and Reclassification (Traffic Supervisors)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Traffic Supervisors Pay Schedule; to waive the pay schedule as it relates to Traffic Supervisor personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 14: Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; strike out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 15: Compensation – Town Officers

To see if the Town will vote to revise the compensation of the Town Clerk as the Town by vote may determine and to transfer from available funds and/or appropriate a sum of money to make said revision effective, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 16: Ratification of Salary Bylaw

To see if the Town will vote to ratify certain actions taken by the Compensation Committee under Chapter 43 Section 3(e) as last amended and amend the classification table by reclassifying certain positions, or take any other action relative thereto. Sponsored by the Compensation Committee.

ARTICLE 17: Essex North Shore Agricultural and Technical School District

To see if the Town will vote to approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2025, and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 18: Available Funds Appropriate to Reduce Tax Rate

To see if the Town will vote to appropriate the free cash balance in the hands of the Town Treasurer, including any surplus or part of surplus in the Electric Light Department for use of the Assessors in setting the tax rate, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 19: Collective Bargaining (Police)

To see if the Town will, pursuant to G.L. c. 150E § 7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2025 with MASS C.O.P., AFL-CIO, Local 437, or take any action relative thereto. Sponsored by the Select Board.

ARTICLE 20: Collective Bargaining (IUE/CWA – Local 1776)

To see if the Town will, pursuant to G.L. c. 150E § 7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2025 with Local 1776 of the IUE/CWA, AFL-CIO, or take any action relative thereto. Sponsored by the Select Board.

ARTICLE 21: Collective Bargaining (Fire)

To see if the Town will, pursuant to G.L. c. 150E § 7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2026 with the International Association of Firefighters AFL/CIO CLC Local 2043, or take any action relative thereto. Sponsored by the Select Board.

ARTICLE 22: Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the necessary and usual expenses of the several departments of the Town for the fiscal year beginning July 1, 2025, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 23: Amend Zoning Bylaw - 3A Multi-Family Overlay District

To see if the Town will vote to amend the Zoning Bylaw and map to adopt a 3A Multi-Family Overlay District by adding a new provision which reads as follows:

ARTICLE 200-43.

A. Purpose. The purposes of 3A Multi-family Overlay District (3A) are:

- (1) To lower the permitting barrier for multi-family housing and to ensure compliance with the MBTA Communities Act, MGL c. 40A § 3A;
- (2) To allow as of right multi-family housing types in a variety of overlay zoning districts; and
- (3) To ensure high-quality site planning, architecture and landscape design that is consistent with the visual character and identity of the Town of Marblehead.

B. Scope and authority. 3A Districts, pursuant to MGL Ch. 40A sec 3A, shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Marblehead, as amended. At the option of the owner, development of land within a 3A District may be undertaken by means of a plan approval pursuant to the zoning controls set forth in this § 200-43 or by complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Marblehead (underlying zoning). Development projects proposed pursuant to § 200-43 shall be subject to all other applicable local, state, and federal regulations.

C. Establishment and delineation of Multifamily Overlay Districts (3A). There are three districts identified as 3A Overlay Districts: Pleasant Street District, Broughton Road District and Tioga Way District. The boundaries of the three districts are delineated as 3A Pleasant Street District, 3A Broughton Road District and 3A Tioga Way District on the Zoning Map.

D. Definitions. All definitions are as they appear in § 200-7 and § 20-44D of the Marblehead Zoning Bylaw in effect as of the date of the adoption of this bylaw. To the extent that there is any conflict between § 200-44 and MGL section 3A the latter shall control.

E. Permitted uses. The following uses shall be permitted in the following districts as-of-right upon plan approval as set forth in section 200-44-K(5), and at residential densities specified in Table E, Table of Dimensional and Density Requirements:

TABLE E

Permitted Uses

Residence Uses	3A Broughton Road District	3A Tioga Way District	3A Pleasant Street District
Multifamily project	Yes	Yes	Yes
Mixed-use project	No	Yes	Yes

- 1. Nonresidential uses permitted as-of-right pursuant to the underlying zoning are permitted pursuant to this Bylaw as part of a mixed-use development project.

F. Prohibited uses or activities in the 3A.

- (1) Any use prohibited by the underlying zoning in effect as of the date of adoption of this Bylaw.
- (2) Any use not listed in § 200-43E of this Bylaw is expressly prohibited.

- (3) Age restricted housing.
- (4) Any unit smaller than 900 square feet in size unless approved as an Accessory Dwelling Unit.

G. Dimensional and other requirements.

- (1) New buildings within the 3A shall be subject to the bulk, dimensional and density requirements in Table G, Table of Dimensional and Density Requirements:

Table G

District	Min. Lot Area (sq. ft.)	Max. Residential Density (units/ acre)	Min. Frontage (Linear ft.)	Min. Front Setback (Linear ft.)	Min. Side Setback (Linear ft.)	Min. Rear Setback (linear ft.)	Min. Open Area (%)	Max. Height (ft.)
3A Broughton Rd	7500	20	35	6	(1)	(1)	(2)	35
3A Tioga Way	6000	20	35	6	(1)	(1)	(2)	35
3A Pleasant Street	5400	20	35	N	(1)	(1)	(2)	35

NOTES:
 N — None
 (1) Except as to any boundary abutting any other business district, six feet; as to any boundary abutting any residential district, nine feet. May be reduced at the discretion of the approving authority.
 (2) One square foot of open land area (in addition to the areas of required parking spaces for such lot) for each two square feet of gross floor area.

- (2) Building renovation. Renovation of existing buildings may maintain existing building footprints and may only expand such footprints insofar as such expansion is in compliance with the required dimensional requirements for new buildings.
- (3) Fractional units. When the application of the allowable densities specified in Table G, Table of Dimensional and Density Requirements, results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (4) Signage. Commercial signage proposed within a mixed-use development project shall be subject to the procedures and requirements of the Marblehead Sign Bylaw, Chapter 148 of the Marblehead General Bylaws, in effect as of the date of adoption of this Bylaw.

H. Off-Street parking.

- (1) Off-street parking in the districts shall be provided to meet or exceed the following minimum requirements:

Table H

Off Street Parking Requirements

Use	Pleasant 3A	Broughton	Tioga
Dwelling unit (2 bedrooms)	2.0 spaces	2.0	2.0
Dwelling unit (3 or more bedrooms)	2.0 spaces	2.0	2.0
Nonresidential use	1.0 space/500 square feet	n/a	1.0 space/ 300 square feet

- (2) Fractional spaces. When the application of the minimum required parking standards in this § 200-44H results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

- (3) Location of parking. Any surface parking lot shall be located at the side or rear of a building, relative to any public right-of-way or public open space. Subsurface parking that requires blasting may be disallowed if the approving authority finds, based on the results of a geotechnical analysis, that it is not possible to mitigate any extraordinary adverse impact of blasting on nearby properties.
- (4) The approving authority may grant a plan approval making such modifications in the parking standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in or in proximity to the 3A. The approving authority may impose conditions of use or occupancy appropriate to such modifications.
- (5) The approving authority may require additional visitor parking beyond the maximum required spaces per unit if deemed appropriate given the design, layout, use and/or density of the proposed development project.
- (6) Construction standards. Each parking space shall be at least nine feet wide and 18 feet long and shall be designed with appropriate means of vehicular access to a street as well as maneuvering areas. Access and maneuvering areas shall not be obstructed or used for the parking of motor vehicles. Parking shall be designed and constructed to comply with all applicable disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).

I. Design standards. To ensure that new development shall be of high quality, all applications shall comply with the Town of Marblehead Smart Growth Overlay District design standards as approved by DHCD on May 1, 2009. The design standards shall govern the issuance of plan approvals for development projects within the 3A Districts. All applicants shall file an application with the plan approval authority for development projects within 3A Districts. The physical character of development within the 3A Districts shall comply with such design standards. In the event of any conflict between this Bylaw and the design standards, this Bylaw shall govern and prevail.

J. Affordable housing. Affordable Housing Requirements shall apply to any development under § 200-43 of this Bylaw. The affordability requirements are those allowed in the Compliance Guidelines for Chapter 40A, Section 3A: For all developments of more than six units, a minimum of ten percent (10%) of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

K. Administration. The Planning Board shall act as the approving authority and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for plan review. The plan review process encompasses the following, as may be supplemented by the administrative rules in paragraph K Administration § 200-44 Smart Growth of this zoning bylaw.

L. Date of effect. The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of MGL c. 40A § 3A provided, however, that an applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by the Office of the Massachusetts Attorney General.

M. Severability. The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

And

To amend the Marblehead zoning map by adding three Multifamily Overlay Districts (3A). There are three districts identified as 3A; Pleasant Street District; Broughton Road District and Tioga Way District. The boundaries of the three districts are delineated as 3A Pleasant Street District, 3A Broughton Road District and 3A Tioga Way District as show below:



Or take any other action relative to. Sponsored by the Select Board.

ARTICLE 24: Amend Zoning Bylaw - Accessory Dwelling Units

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws Accessory dwelling units, as follows (underline and bold is new language and ~~cross-out is removed language~~) and change all the rubrics accordingly.

Part A:

§ 200 Article IX, § 200-42. Accessory dwelling units.

A. Purpose. This section authorizing the provision of accessory dwelling units is intended to:

- (1) Increase the number of small dwelling rental units available in the Town;
- (2) Increase the number of affordable rental units available in Town;
- (3) Increase the range of choice of housing accommodations to meet the needs of households;
- (4) To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households;
- (5) To encourage the efficient use of the Town's housing supply while preserving the character of the town's neighborhoods;
- (6) To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.

B. General requirements.

(1). Accessory dwellings units shall only be permitted in a zoning district that permits single-family residential dwellings.

(2). No more than one accessory dwelling unit shall be permitted for each principal dwelling unit.

(3). Accessory dwellings units are only allowed in or as an accessory to single-family dwellings.

(4). Accessory dwelling units are allowed within or attached to an existing single-family structure or detached accessory building with a permanent foundation and that is accessory to existing single-family structure.

~~(5). At least one owner of the residence in which the accessory dwelling unit is created shall reside in one of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an accessory dwelling unit to be permitted.~~

~~(6). The accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.~~

(5). Short-term rentals, as defined, are prohibited in both the accessory and principal dwelling units.

C. Exterior appearance and size. The accessory dwelling unit shall be designed to maintain the appearance and essential character of a one-family dwelling with accessory structures, subject further to the following conditions and requirements:

- (1). Where two or more entrances exist on the front facade of a dwelling, one entrance shall appear to be the principal entrance and other entrances appear to be secondary.
- (2). All stairways to the accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
- (3). The accessory dwelling unit shall not contain in excess of 1,000-900 square feet of ~~habitable space~~ **gross floor area** or exceed 50% of the gross floor area of the principal dwelling, whichever is less.

- (4). The accessory dwelling unit shall not contain more than two bedrooms.
- (5). The accessory dwelling unit shall meet all regulations of the Board of Health.
- (6). The accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.

D. Procedure. **For all detached accessory dwelling units or accessory dwelling units which require a change in footprint or height and which are attached to the principal dwelling, shall require Site Plan Review by the Planning Board in accordance with section 200-38 hereof and which the Planning Board shall approve or approve with conditions but shall not deny.** shall be the special permit granting authority (SPGA) for accessory dwelling units. The SPGA shall determine whether to grant, grant with conditions or deny special permits in accordance with the standards in Subsection ~~D(2)~~ below, if an accessory dwelling unit is proposed which is: **Section 200-30.B(1) of the Bylaw shall not apply to any accessory dwelling unit as to use but shall apply in the event of a non-conforming dimensional standard.**

- ~~• Within an existing single family structure or detached accessory building; or~~
- ~~• An addition to an existing single family structure or detached accessory building or a new accessory structure.~~

(1) Submission requirements:

- ~~(a)~~ A completed application for an accessory dwelling unit must be submitted to the Planning Board.
- ~~(b)~~ A certified plot plan of the proposed accessory dwelling unit, the principal dwelling where it is to be located and all floor plans and elevations.
- ~~(c)~~ All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the accessory dwelling unit.
- ~~(d)~~ A description of the units, including number of bedrooms, size and layout.
- ~~(e)~~ A notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.

(2) Standards for special permit for ADUs.

- ~~(a)~~ Architectural features and design are compatible with the existing neighborhood.
- ~~(b)~~ Vehicular and pedestrian movement is safe and convenient (parking is provided or adequate in neighborhood, curb cuts do not exceed allowed).
- ~~(c)~~ Adverse effects on abutters are minimized (limited or no impact from the street; and privacy).
- ~~(d)~~ In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- ~~(e)~~ The Planning Board may impose any conditions deemed necessary to achieve the purposes of this bylaw, including dimensional relief.

E. Additional conditions and requirements for all accessory dwelling units.

- (1) The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- (2) There shall be no occupancy of the accessory dwelling unit until the Building Department has issued a certificate of occupancy certifying that the principal dwelling and accessory dwelling unit are in compliance with all applicable health and building and fire codes.
- (3) The building permit/certificate of occupancy shall be revoked upon determination by the Building Inspector that any condition imposed by the Town has not been fulfilled.
- (4) By filing the application for a building permit for an accessory dwelling unit, all owners consent to an inspection upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.

(5) Parking for accessory dwelling units there shall be one additional parking space per accessory dwelling unit which is in addition to what is required for the principal use. Except if the ADU is located within ½ mile form a commuter rail station, subway station, ferry terminal or bus station no parking is required. A bus station is defined as a location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station.

~~(5) When a structure which has received a permit for an accessory dwelling unit is sold, the new owner(s), if they wish to continue to exercise the permit, must, within 30 days of the sale, submit a notarized letter stating that they will occupy one of the dwelling units on the premises as their primary residence. This shall be part of municipal lien certificate.~~

F. Enforcement and termination. In addition to the authority of the Building Commission under any other provisions of this bylaw, statute or regulations, the following shall apply:

- (1) It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- (2) No building shall be constructed or changed in use or configuration until the Building Commissioner has issued a permit.
- (3) Any new building or structure shall conform to all adopted state and Town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- (4) The Building Commissioner shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
- (5) The accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this bylaw that the owner fails to appeal or cure, upon 30 days' written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- (6) Duties of owner upon termination include:
 - (a) The owner shall discontinue the use of the accessory dwelling unit as a separate dwelling unit.
 - (b) The kitchen facilities of the accessory dwelling unit shall be removed.
 - (c) Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed.

G. Severability. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

H. Definitions. **For the purpose of this Section 200-42 the following words shall have the following meanings:**

ACCESSORY DWELLING UNIT

~~An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an accessory structure.~~

(i) A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise 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 than ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller ."

EXISTING DETACHED ACCESSORY BUILDING – ~~A detached accessory building that is existing as of the effective date of this bylaw and that has a permanent foundation.~~ **A detached accessory building that is lawfully existing as of the effective date of this bylaw and that has a permanent foundation.**

GROSS FLOOR AREA – The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding: crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

PRINCIPAL DWELLING UNIT

A dwelling unit permitted as a principal residential use under § 200-11 Classification of uses, limitation of uses.

SHORT-TERM RENTAL UNIT

An owner-occupied, tenant-occupied or non-owner-occupied property, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed-and-breakfast establishment, or accessory dwelling unit where: (i) at least one room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. For the purpose of this, the Accessory Dwelling Unit Bylaw, a short-term rental shall be anything leased for fewer than 90 days.

Part B:

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws Parking Requirements, as follows (**underline and bold is new language** and ~~cross-out is removed language~~) and change all the rubrics accordingly. (Part B.)

§ 200 Article VI, § 200-17. Parking Requirements.

~~E. Accessory dwelling units. For accessory dwelling units there shall be one additional parking space per accessory dwelling unit which is in addition to what is required for the principal use.~~ **Parking for accessory dwelling units; there shall be one additional parking space per accessory dwelling unit which is in addition to what is required for the principal use. Except if the ADU is located within ½ mile form a commuter rail station, subway station, ferry terminal or bus station, no parking is required. A bus station is defined as a location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station,** or take any other action relative there. Sponsored by the Planning Board.

ARTICLE 25: Amend General Bylaw - Floodplain District

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws Floodplain District, as follows (**underline and bold is new language** and ~~cross-out is removed language~~) and change all the rubrics accordingly. (Part A and Part B)

Part A:

ARTICLE III ZONING DISTRICTS section § 200-8 Paragraph C

The Floodplain District is herein established as an overlay district. The **Floodplain D**istrict includes all special flood hazard areas within the Town of Marblehead designated as Zone A, AE, **AH**, AO, **A99**, **V**, and VE on the Essex County Flood Insurance Rate Map (FIRM), **July 8, 2025**, issued by the Federal Emergency Management Agency (FEMA), ~~successor to the U.S. Department of Housing and Urban Development, HUD~~ for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the Town of Marblehead are panel numbers 25009C0419G, 25009C0438G, 25009C0439G, 25009C0443G, ~~25009C0532G~~, 25009C0551G, and 25009C0552G dated July 16, 2014, **25009C0532H, dated July 8, 2025**. ~~The map indicates the one-hundred-year regulatory floodplain. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on~~ **The exact boundaries of the Floodplain District shall be defined by the 1%-chance base flood elevations shown on the** FIRM and further defined by the Flood Insurance Study report dated July 16, 2014 **July 8, 2025**. The FIRM and Flood Insurance Study report **are incorporated herein by reference and** are on file with the **Town Engineer**, Town Clerk, the Building Commissioner, and Conservation Commission.

Part B:

§ 200 Article XII, § 200-46. Floodplain District.

The Floodplain District is ~~established as~~ an overlay district to all other districts. All development in the **Floodplain D**istrict, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with MGL c. 131, § 40 and with the following:

- A. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- B. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- C. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- D. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- E. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- F. ~~Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.~~

§ 200-47. Purpose.

~~The purpose of the Floodplain District is to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding and to preserve the natural flood control characteristics and the flood storage capacity of the floodplain.~~

The purpose of the Floodplain District is to:

1. **Ensure public safety through reducing the threats to life and personal injury**
2. **Eliminate new hazards to emergency response officials**
3. **Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding**
4. **Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding**
5. **Eliminate costs associated with the response and cleanup of flooding conditions**
6. **Reduce damage to public and private property resulting from flooding waters**

§ 200-48. Designation of community Floodplain Administrator

The Town of Marblehead hereby designates the position of Town Engineer to be the official floodplain administrator for the Town.

§ 200-49. Permits are required for all proposed development in the Floodplain District

The Town of Marblehead requires a permit for all proposed construction or other development in the Floodplain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties ("Floodplain District Work Permit"). Floodplain District Work Permits shall be issued by the Marblehead Building Commissioner, who shall create a form application and process for said permits.

§ 200-50 Enforcement.

The Building Commissioner or their designee(s) shall enforce the provisions of Article XII.

§ 200-51. Assure that all necessary permits are obtained

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Floodplain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired. Floodplain District Work Permits shall be issued by the Marblehead Building Commissioner.

§ 200-4852. Development regulations.

The following requirements apply in the Floodplain District:

A. Within Zone A and AE, where the base flood elevation is not provided on the FIRM the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of the floodproofing requirements, as appropriate, of the State Building Code.

B. Floodway encroachment

(1) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, ~~within unnumbered A Zones~~ **the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.**

~~D. Within Zone A and AE, all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.~~ **Unnumbered A Zones: In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.**

E. There shall be no "manufactured homes" within Zone AE.

~~F. No new construction or substantial improvements, or other development shall be allowed within Zone AE, unless the applicant demonstrates to the Building Commissioner that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~ **Recreational vehicles: in A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready**

G. All subdivision proposals **and development proposals in the Floodplain District** must be designed to assure that:

- (1) Such proposals minimize flood damage;
- (2) All public utilities and facilities are located and constructed to minimize flood damage; and
- (3) Adequate drainage is provided.

H. Within Zone AO **and AH** on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

I. Located within the Floodplain District are areas designated as coastal high hazard areas (Zone VE, **V1-30, V**). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:

- (1) All new construction shall be located landward of the reach of the mean high tide.
- (2) Man-made alteration of sand dunes within flood damage are prohibited.

J. In a riverine situation, the ~~Engineering and Conservation Administrator~~ **Floodplain Administrator or their design(e)** shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent communities.
- (2) Bordering states, **if affected**.
- (3) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, ~~251 Causeway Street, Suite 600-700, Boston, MA 02114-2104.~~
- (4) NFIP Program Specialist, Federal Emergency Management Agency, Region I, ~~99 High Street, 6th Floor, Boston, MA 02110.~~

§ 200-53. Protection of dunes

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

§ 200-54 Variances to building code floodplain standards

Any variances from the provisions and requirements of the state regulations referenced above in Article XII, § 200-46 may only be granted in accordance with the required variance procedures of these state regulations.

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain District.

§ 200-55 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

§ 200-56 Abrogation and greater restriction section

The floodplain management regulations found in this Article XII shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

§ 200-57 Disclaimer of liability

The degree of flood protection required by this Article XII is considered reasonable but does not imply total flood protection.

§ 200-58 Severability section

If any section, provision or portion of this Article XII is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

§ 200-59 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- **NFIP State Coordinator**
 - **Massachusetts Department of Conservation and Recreation**
- **NFIP Program Specialist**
 - **Federal Emergency Management Agency, Region I**

§ 200-4960. Definitions.

The following definitions shall apply to the terms used within this ~~Floodplain District Bylaw~~ **Article XII**.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. **[US Code of Federal Regulations, Title 44, Part 59]**

DISTRICT

Floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODPLAIN ADMINISTRATOR

The official responsible to report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of floodplain management regulations.

FLOODWAY

The channel of a river or other watercourse and the adjacent land **and** areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation **more than a designated height.** [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or
(2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

~~For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.~~

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

ONE-HUNDRED-YEAR FLOOD

See "base flood."

RECREATIONAL VEHICLE

A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY

See "floodway."

SPECIAL FLOOD HAZARD AREA

An area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, **AR**, V, **VO**, V1-30, VE. **[Base Code, Chapter 2, Section 202]**

START OF CONSTRUCTION.

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home. ~~Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises. [US Code of Federal Regulations, Title 44, Part 59]~~

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE

A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

~~ZONE A~~

~~The one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.~~

~~ZONE AE (for new and revised maps)~~

~~The one-hundred-year floodplain where the base flood elevation has been determined.~~

~~ZONE AO~~

~~The one-hundred-year floodplain with flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~ZONE VE (for new and revised maps)~~

~~A special flood hazard area along a coast subject to inundation by the one-hundred-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.~~

~~ZONE X~~

~~Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.~~

~~Or take any other action relative to. Sponsored by the Planning Board.~~

ARTICLE 26: Prudent Investor

To see if the Town will vote to accept the provisions of G.L. c. 44, § 54(b) to allow Town trust funds to be invested in accordance with G.L. c. 203C, the so-called "Prudent Investment Rule", or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 27: General Stabilization Fund

To see if the Town will vote to transfer a sum of money from Free Cash to fund Town's General Stabilization Account, or take any other action relative to. Sponsored by the Finance Director.

ARTICLE 28: Home Rule Petition: Establish Means-Tested Senior Citizen Property Tax Exemption.

To see if the Town will vote to authorize the Select Board to petition the General Court to pass AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as residential in the Town of Marblehead, there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in Section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed pursuant to the General Laws.

SECTION 2. The Board of Assessors of the Town of Marblehead may deny an application for exemption if the board finds that the applicant has excessive assets that place the applicant outside of the intended

recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption pursuant to Section 1 if the following criteria are met:

- (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws;
- (ii) the qualifying real property is owned by a single applicant who was age 65 or older at the close of the previous year or jointly by persons who are 60 years of age or older, provided that not less than 1 joint owner was age 65 or older at the close of the previous year;
- (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) the applicant, or at least 1 of the joint applicants, has been domiciled and owned a home in the Town of Marblehead for not less than 10 consecutive years before filing an application for the exemption;
- (v) the maximum assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws, as adjusted annually by the Department of Revenue; and
- (vi) the Board of Assessors has approved the application for the exemption.

SECTION 3. The Select Board of the Town of Marblehead shall annually set the exemption amount provided for in Section 1; provided, however, that the amount of the exemption shall be not less than 50 percent and not more than 200 percent of the amount of the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to Section 1 shall, before the deadline established by the Board of Assessors of the Town of Marblehead, file an application, on a form adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted pursuant to this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided in this act shall expire 3 years after the effective date of this act; provided, however, that the Town of Marblehead may reauthorize the exemption for additional 3-year intervals by a vote of the legislative body of the town.

SECTION 7. This act shall take effect upon its passage.

Or take any action relative thereto. Sponsored by the Finance Committee and Select Board.

ARTICLE 29: Adjusted Exemption Amount Clause 22I

To see if the Town will vote to accept G.L. c. 59, sec. 5, Cl. 22I, which authorizes an annual increase in the amount of the exemption granted under G.L. c. 59, sec. 5, Cl. 22, Cl. 22A, Cl. 22B, Cl. 22C, Cl. 22E and Cl. 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 30: Optional Additional Veteran Exemption Clause 22J

To see if the Town will vote to accept G.L.c. 59, sec. 5, cl. 22J, which authorizes an annual increase in the amount of the exemption granted under G.L.c. 59, sec. 5, Cl.22, Cl. 22A, Cl. 22B, Cl. 22C, Cl. 22E and Cl. 22F by 100% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 31: Coffin School Reuse

To see if the Town will vote to change the use of the Coffin School building and grounds from school purposes to general municipal purposes and to transfer the care, custody and control of same to the Select Board for further reuse and if appropriate as determined by the Select Board to further authorize the Select Board to sell the Coffin School building and land in a manner that they determine to be the most beneficial to the Town, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 32: Gerry School Playground (aka Elm Street Park)

To see if the Town will vote to transfer the care, custody, and control of the Gerry School Playground (also known as Elm Street Park) from the Select Board to the Recreation and Park Commission or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 33: Mary A. Alley Building, HVAC System

To see if the Town will vote to appropriate a sum of money to pay costs of design, construction, repair, renovation, furnishing, and equipping of the Mary A. Alley Building, including windows, elevators, and HVAC systems, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 34: Marblehead High School Roof and HVAC System

To see if the Town will vote to appropriate a sum of money to pay additional costs of a new roof at the Town's High School, including the acquisition and installation of new rooftop HVAC units, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. Sponsored by School Committee.

ARTICLE 35: Appropriation of Article 11, May 2, 2022

To see if the Town will vote to amend the vote adopted under Article 11(c) of the May 2, 2022, Town Meeting that appropriated \$8,977,298 for roof reconstruction and major repairs on the Town and school buildings, including the payment of costs incidental or related thereto, to include remodeling of various fire stations and the payment of costs incidental or related thereto as additional authorized purposes; or take any other action relative thereto. Sponsored by Finance Director.

ARTICLE 36: Stormwater Enterprise Fund

To determine whether the Town will vote to accept the provisions of G.L. c. 44, § 53F1/2 and authorize the establishment of a Stormwater Enterprise Fund, effective July 1, 2025, or take any other action relative thereto. Sponsored by the Department of Public Works and Select Board.

ARTICLE 37: Rescind prior Acceptance of G.L. c. 31 sec. 58A, Age Limits (Police)

To see if the Town will vote to rescind its prior acceptance of G.L. c. 31 sec. 58A, voted under Article 29 of the 2016 Annual Town Meeting as to police officers only, thereby removing the prohibition of hiring police officers over age 32, or take any other action relative thereto. Sponsored by the Police Chief.

ARTICLE 38: Building Permit Fees

To see if the Town will vote to amend Chapter 30, Section 30-15, sub-sections (B) and (E) of the Town of Marblehead General Bylaws as follows (~~cross through~~ text represents deleted language and **bold and underline** text represents proposed amendment):

- B. The amount of such fees shall be **set by the Select Board after a public hearing** ~~\$15 per \$1,000 of the total cost of the work to be done under such permits, as estimated by the Building Commissioner, with the minimum fee for each permit issued of \$50.~~ This fee **and** will include the cost of the wiring permit and plumbing permit.

E. —

- ~~(1) Re-inspection fee: \$70.~~
- ~~(2) Lost permit card fee: \$120.~~
- ~~(3) Certificate of inspection fee: \$120.~~
- ~~(4) Certificate of occupancy fee: \$120.~~

or take any action relative thereto. Sponsored by the Building Commissioner.

ARTICLE 39: Electrical Installation Fees

To see if the Town will vote to amend Chapter 52, Section 52-6, sub-section (A)(2) of the Town of Marblehead General Bylaws as follows (~~cross through~~ text represents deleted language and **bold and underline** text represents proposed amendment):

- A. Fees shall be charged by the Inspector of Wires to any person, firm or corporation applying for permits for electrical installations as provided in § 52-5. Said fees to be paid by the applicants when such permits are issued in accordance with the following schedule.

- (1) Additions, alterations and new construction. Where a building permit is required, the fee **shall be set by the Select Board after a public hearing** ~~is \$15 per \$1,000 of the total cost of the work to be done under such permits, as estimated by the Building Commissioner.~~ This fee will include the cost of the building permit, wiring permit and the plumbing permit.

- (2) If no building permit is required, **the Select Board shall set any other applicable** ~~the following fees~~ **after a public hearing.** shall apply:

- ~~(a) Minimum charge: \$50.~~
- ~~(b) New service: \$50.~~
- ~~(c) Temporary service: \$50.~~
- ~~(d) Boiler: \$50.~~
- ~~(e) Motors (each): \$35.~~
- ~~(f) Repairs: \$50.~~
- ~~(g) Swimming pools: \$50.~~
- ~~(h) Standard current consuming outlets:~~
 - ~~{1} One to 25: \$50.~~
 - ~~{2} Twenty six to 50: \$70.~~
 - ~~{3} Fifty one to 100: \$60.~~
- ~~(i) Return inspection: \$60.~~

or take any action relative thereto. Sponsored by the Building Commissioner.

ARTICLE 40: Building Permit Fees

To see if the Town will vote to amend Chapter 30, Section 30-15, sub-sections (B) and (E) of the Town of Marblehead General Bylaws as follows (~~cross through~~ text represents deleted language and **bold and underline** text represents proposed amendment):

- B. The amount of such fees shall be ~~\$15~~ **\$17** per \$1,000 of the total cost of the work to be done under such permits, as estimated by the Building Commissioner, with the minimum fee for each permit issued of \$50. This fee will include the cost of the wiring permit and plumbing permit.

ARTICLE 41: Electrical Installation

To see if the Town will vote to amend Chapter 52, Section 52-6, sub-section (A) of the Town of Marblehead General Bylaws as follows (~~cross through~~ text represents deleted language and **bold and underline** text represents proposed amendment):

- A. Fees shall be charged by the Inspector of Wires to any person, firm or corporation applying for permits for electrical installations as provided in § 52-5. Said fees to be paid by the applicants when such permits are issued in accordance with the following schedule.
- (1) Additions, alterations and new construction. Where a building permit is required, the fee is ~~\$15~~ **\$17** per \$1,000 of the total cost of the work to be done under such permits, as estimated by the Building Commissioner. This fee will include the cost of the building permit, wiring permit and the plumbing permit.
- (2) If no building permit is required the following fees shall apply:
- (a) Minimum charge: \$50.
 - (b) New service: \$50.
 - (c) Temporary service: \$50.
 - (d) Boiler: \$50.
 - (e) Motors (each): \$35.
 - (f) Repairs: \$50.
 - (g) Swimming pools: \$50.
 - (h) Standard current consuming outlets:
 - [1] One to 25: \$50.
 - [2] Twenty-six to 50: \$70.
 - [3] Fifty-one to 100: \$60.
 - (i) Return inspection: \$60.

(j) Connection or installation of electric storage battery: \$17 per \$1,000 of total cost of the work to be done under such permit, as established by the Building Commissioner.

Or take any action relative to. Sponsored by the Building Commissioner.

ARTICLE 42: Cemetery Perpetual Care Trust Fund Transfer

To see if the town will vote to transfer from the Cemetery Perpetual Care Trust to the Cemetery Department the sum of \$80,000 for the purpose of capital needs, maintenance and operations at the Town of Marblehead's municipal cemeteries or take any action relative thereto. Sponsored by Cemetery Commission and Finance Director.

ARTICLE 43: Cemetery Sale of Lots Trust Fund Transfer

To see if the Town will vote to transfer from the Sale of Lots Trust Fund to the Cemetery Department the sum of \$100,000 for the purpose of capital needs, maintenance and operations at the Town of

Marblehead's municipal cemeteries or take any action relative thereto. Sponsored by the Cemetery Commission and Finance Director.

ARTICLE 44: Parking Tickets – Increased Fee for Snow Emergency

To see if the Town will vote to allow the Select Board to petition the General Court to amend Chapter 37 of the Acts of 2004 and allow the Select Board to establish fines related to parking violations during a snow emergency at no more than \$100 and if not paid within 21 days \$105, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 45: Zoning bylaw by adding provision for the Storage of Fishing Gear and Lobster Traps

Add section 200-14

Storage of Fishing Gear and Lobster Traps

Section 1: Purpose

The purpose of this bylaw is to permit the temporary storage of fishing gear and lobster traps on residential properties within the municipality, subject to the conditions outlined herein, to support local fishing practices and ensure the safe and orderly storage of such equipment during the off-season period.

Section 2: Definitions

- **Fishing Gear:** Any equipment used for the purpose of fishing, including but not limited to fishing rods, nets, lines, traps, and associated gear.
- **Lobster Traps:** Containers or structures used for the trapping of lobsters, typically placed in marine environments and removed after the lobster trapping season.
- **Owner's Property:** Any property within the residential zoning area, legally owned by the person requesting permission to store fishing gear and lobster traps.
- **Off-Season Period:** The period from November 1st to May 1st of each year.

Section 3: Conditions for Storage

1. **Permitted Storage Period:** Fishing gear and lobster traps may only be stored on residential properties between November 1st and May 1st of each year.
2. **Location of Storage:** The storage of fishing gear and lobster traps shall only be allowed on the owner's property and must comply with the following conditions:
 - Storage must be kept in the rear or side yard areas, or areas that are not visible from the street.
 - Storage must not obstruct driveways, public sidewalks, or any public rights-of-way.
 - The storage must not exceed a height of 6 feet.
3. **Safety and Appearance:**
 - All fishing gear and lobster traps must be stored in a manner that does not pose a safety hazard to the public or the property owner.
 - Equipment must be neatly stored and must not be stacked in a disorganized or hazardous manner.
 - Lobster traps should be stacked securely to prevent tipping, shifting, or damage.
 - lobster traps shall be clean and all bait removed prior to storage
4. **No Permanent Storage:** The storage of fishing gear and lobster traps under this bylaw is intended to be temporary, limited to the off-season period only. Storage outside of the designated period (November 1st to May 1st) shall not be permitted.
5. **Compliance with Other Regulations:** Storage of fishing gear and lobster traps must comply with all applicable local zoning laws, property maintenance standards, and other municipal regulations.

Section 4: Permit Requirements

1. **Permit Application:** Owners wishing to store fishing gear and lobster traps on their property during the off-season period must submit a permit application to the building department by October 1st each year.
 - The application shall include the location of the proposed storage, a description of the equipment to be stored, and any measures taken to ensure safety and aesthetics.
 - The application will be reviewed and approved if it meets the requirements of this bylaw.
2. **Permit Duration:** Approved permits will be valid for the off-season period, from November 1st to May 1st, with an option for renewal.

Section 5: Enforcement

This provision is enforced by the Building Commissioner

1. **Violations:** If the storage of fishing gear or lobster traps does not comply with this bylaw, the property owner will be issued a notice of violation and will have 14 days to rectify the situation.
 - If the violation is not corrected, the municipality may impose fines or remove the equipment at the owner's expense.
2. **Inspection:** The municipality reserves the right to inspect properties to ensure compliance with this bylaw.

Section 6: Exemptions

1. **Special Circumstances:** The municipality may grant temporary exemptions to the requirements of this bylaw under special circumstances, such as during emergencies or when the owner can demonstrate a significant need for extended storage.

Section 7: Severability

If any section or provision of this bylaw is held to be invalid, such invalidity shall not affect the validity of the remaining sections or provisions.

or take any other action relative thereto. Sponsored by Raymond H. Bates and others.

ARTICLE 46: Appropriate Funds, Independent Audit

To see if the town will vote to appropriate the funds from free cash not to exceed the sum of \$100,000 and establish an independent town audit by an independent audit agency or entity which shall publish a report to the voters at the 2026 annual town meeting of any and all departmental budget recommendations or policy changes that are designed to control town costs and expenses and to balance the town budget against available funding. The selection of the auditor shall be the responsibility of the town finance committee. This article shall be subject to reauthorization on an annual basis. or take any other action relative thereto. Sponsored by Philip A. Mancuso, Jr. and others.

ARTICLE 47: Sustainability Coordinator

To see if the town will vote to eliminate the position of Sustainability Coordinator. Said position has no clear essential administrative function but is tasked, as a non-elected town employee, with developing town policies without residency requirements and without the support of a majority of the town voters. or take any other action relative thereto. Sponsored by Emily DeJoy and others.

ARTICLE 48: Residency Requirements

To see whether the town will vote to advise the Select Board to enact a policy that requires any departmental division head to be employed by the Town of Marblehead to reside within the Town of

Marblehead. or take any other action relative thereto. Sponsored by Philip A. Mancuso, Jr. and others.

ARTICLE 49: Town Meeting, Parliamentarian

To adopt a rule that establishes the position of an independent town meeting Parliamentarian, who (a) shall be a licensed attorney admitted to practice law in the Commonwealth of Massachusetts and in good standing and (b) a resident of the town of Marblehead who shall advise the Town Moderator on procedural questions, including, but not limited to, the advancement of motions at town meeting(s) and who shall not be financially or otherwise compensated by the Town of Marblehead. Said person shall be appointed by the Board of Selectman. or take any other action relative thereto. Sponsored by John Buba and others.

ARTICLE 50: Placement of Prop 2 ½ on ballot

To see whether the town will vote to advise the Select Board to present any Propositions 2 ½ tax override articles to the voters on the ballot as single items corresponding to the article(s) as presented at Town Meeting. or take any other action relative thereto. Sponsored by John Prindiville and others.

ARTICLE 51: Town Meeting Reconsideration Procedure

To adopt the following procedural rule regarding Motions for Reconsideration that will supersede any existing conflicting rule(s):

Any person, or group of persons, moving for reconsideration of any vote on any article at town meeting, whether annual or special, shall present said motion at podium and affirm (a) that said person(s) voted in the affirmative of the subject article (b) that said person(s) are moving for reconsideration based upon information not known or knowable at the time of the original vote (c) shall state said information and shall state that said person(s) have changed their support for said article based upon said new information. Any such motions for reconsideration shall be made within thirty (30) minutes of the initial vote after which time said vote is final and binding and any late motions to reconsider shall be prohibited. Or take any other action relative to. Sponsored by John G. DiPiano and others.

ARTICLE 52: Amend Bylaws - Recall provision

To see if the town will vote to amend the Town Bylaws by adding a recall provision for all elected town officials with term lengths greater than one year and direct the Select Board to submit a home rule petition to the legislature for the acceptance of the same, following the approval of the proposal by Town Meeting, after which, when approved by the Legislature, it shall be inserted in the appropriate section of the Bylaws, or take any other action relative thereto.

Insert in the appropriate section in the Bylaws of the town of Marblehead, 1. Process for Recall. This section providing for recall shall apply to all elected town officials with term lengths greater than one year.

Recall action may be commenced at any time after election to office; provided however, that a recall shall not be initiated with respect to any elected official if there are 3 months or less remaining in the term of office of the official sought to be recalled.

A minimum of 25 registered voters may file an affidavit, signed under oath or before a notary public, containing their signatures and setting forth the name and office of the elected official sought to be recalled and the specific reasons for the recall. At the time of filing, one signer shall be identified as the primary petitioner.

After the board of registrars of voters has verified that at least 25 or more signatures on the affidavit are

those of registered voters of the town, the town clerk shall, within 5 days after receipt of the affidavit, issue to the primary petitioner petition forms, in sufficient quantity, containing the name and office held by the elected official sought to be recalled, the names and address of the first 10 signers of the petition, the specific reasons for recall and the date and time that the petition forms were issued to the primary petitioner.

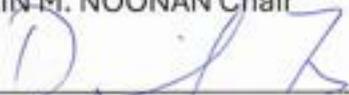
Recall petition forms shall be returned and filed with the board of registrars of voters by not later than 5:00 p.m. on the twentieth day following the date on which the town clerk has issued petition forms; provided, however, that if such day is a Saturday, Sunday or legal holiday, the petitions shall be filed on the next business day. The petitions so filed shall contain the signatures of at least 15 percent of the registered voters of the town, calculated as of the date of the last town election.

The board of registrar of voters shall certify the validity of the required number of signatures, increased by 1/5 thereof to the extent additional signatures have been filed or submitted, with 5 days after the last day fixed for filing the petition forms.

Immediately after the certification pursuant to subsection (e), the board of registrars of voters shall order that written notice be given to the official sought to be recalled, such notice to be served in hand on that official or otherwise by a town constable or other process server in hand or at the elected official's place of residence as shown on the official list of voters and set forth the specific reasons given for the recall and shall also contain a statement advising the official concerned of the official's right to tender a written resignation to the town clerk within 7 calendar days after service of the written notice as provided in this subsection. Or take any other action relative to. Sponsored by Luisa Boverini and others.

Given under our hands at Marblehead aforesaid this
26th day of February 2025.


ERIN M. NOONAN Chair


DAN FOX


M. C. MOSES GRADER


BRET T. MURRAY

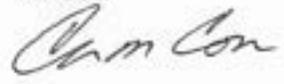

ALEXA J. SINGER

Select Board of Marblehead



A True Copy

Attest:



, Constable

2/28/25

*ADA ADVISORY - Anyone in need of special accommodations for Town Meeting, please contact the office of the Select Board at 781-631-0000 by April 18, 2025, in order that reasonable accommodations may be made.