

Finance Committee Report



Marblehead Student Artist Painting by Serena Nyberg

ANNUAL TOWN MEETING - MAY 5, 2025
MARBLEHEAD VETERANS MIDDLE SCHOOL
PERFORMING ARTS CENTER
MARBLEHEAD, MASSACHUSETTS

TO THE RESIDENTS OF MARBLEHEAD

The Finance Committee once again respectfully welcomes the opportunity to present this report and to make its recommendations regarding the Town of Marblehead's Fiscal Year 2026 ("FY26") general fund operating budget and other financial matters to be voted on at the 2025 Annual Town Meeting.

The Finance Committee makes its recommendations to Town Meeting based upon our own review of all available information. While the Committee hopes that our insight is a benefit to Town Meeting, and while we further believe that our recommendations are both thoughtful and thorough, it is ultimately up to Town Meeting to review what the proponents of the articles have presented, to weigh the arguments for and against each article, and to vote the most beneficial course of action for our Town.

The FY26 budget cycle began in the fall with the completion and delivery of the revenue forecast by the Town Administrator and Finance Director. This forecast detailed the expected FY26 revenues available to cover all general fund operating expenses. The FY26 revenue forecast showed a \$5.6 million increase compared to FY25 forecasted revenues, indicating a 6.0% rise in available revenues to fund the operating budget year-over-year.

The following assumptions were made in the development of the FY26 revenue forecast.

- The tax levy will increase in accordance with the allowed 2.5%, which, when coupled with an increase for projected new growth, will yield around 3.0% additional property tax revenues to support municipal services. The increase in the tax levy contributes to an overall rise in available revenue of 2.3%.
- Forecasted local receipts have been increased by 25% compared to FY25, primarily driven by an increase in interest income and an increase in the revenue generated from the hotels and meals tax established at last year's Town Meeting. The FY26 estimates used for these components of local receipts are both less conservative than the estimates used in last year's budget. The FY26 local receipts estimates are approximately 90% of expected actuals. The updates made to forecasted local receipts result in an overall increase in available revenue of 1.9%.
- Net State Aid assumes the Governor's preliminary proposal, which represents a 0.2% increase in available revenue year-over-year.
- The amount of free cash utilized to offset the operating budget has increased by \$1.5 million compared to last year. This increase is driven by an increase in certified free cash year-over-year and the decision made by Town leadership to increase the use of free cash to address the costs of collective bargaining agreements settled during this fiscal year. The increased utilization of free cash to offset the operating budget year-over-year results in a 1.6% increase in available revenue.

Once the FY26 revenue projections were finalized, the Town Administrator and Finance Director worked closely with department heads to develop and finalize the FY26 balanced general fund operating budget as outlined in Article 22. Below is a summary of the main factors causing an increase in operating expenses for the general fund of 6.0% year-over-year.

- Salaries and Wages are estimated to increase by 4.0% – 4.5%, which includes estimates to account for the multiple collective bargaining contracts settled during this fiscal year.
- Benefits, including health insurance expenses, are increasing by approximately 8.0% – 10.0%.

- Pension assessment increases annually by approximately 8.0% – 9.0%.
- Energy and Utilities costs are increasing by approximately 4.0% – 5.0%.
- The impact of general inflation on the costs of other recurring goods and services remains significant.

At last year's town meeting, the Finance Committee committed to extending our assistance as advisers to our Town leaders in the development of a long-term strategy. This ongoing effort commenced last August with our support of Town leadership in creating a comprehensive three-year forecast for the general fund operating budget. The Finance Committee liaison teams collaborated with department heads to review and collect data on the primary cost drivers for the Town over the next three years. Furthermore, we engaged with Town Finance to thoroughly examine the expected revenue increases for the same three-year timeframe. The independent presentations of the three-year operating budget forecast to both the Select Board and the Finance Committee in early December highlighted projected deficits for each of the FY26, FY27, and FY28 periods.

The three-year forecast featured the following estimated cost drivers which will continue to put pressure on the operating budget as the Town moves towards FY27, FY28, and beyond.

- Salaries and Wages are estimated to increase by 4.5% – 5.5% annually based on the recently signed union contracts which escalate over the contract terms.
- Insurance/Benefits are estimated to increase by 6.0% annually based on historical/market data.
- Pension assessment will continue to increase annually by approximately 8.0% – 9.0% based on the Town's most recent actuarial study.
- Utilities costs are estimated to increase by 4.0% annually based on historical data.
- Out of district tuition fees are estimated to increase by 4.0% – 5.0% annually based on historical data and Department of Elementary and Secondary Education approved increases.
- Trash collection costs are anticipated to spike by 35.0% – 40.0% upon the expiration of our current favorable contract at the end of FY26 and then continue to rise by 4% annually based on current market trends.

Town leaders managed to mitigate the current year budget challenges by increasing the utilization of free cash to balance the budget and significantly revising previous conservative estimates for local receipts. Considering both of these measures are one-time adjustments, the Finance Committee anticipates that the projected revenue growth for FY27 will be considerably less than the 6% growth experienced in FY26, leading to significant budgetary challenges ahead.

At the start of FY26, the Town's reserve accounts will constitute approximately 2.0% of the operating budget, in contrast to 2.5% of the operating budget for FY25. Town officials remain committed to the objective of allocating 5.0% of the operating budget moving forward. It is crucial for the Town to sustain a sufficient level of reserves to preserve its AAA bond rating each year.

We would like to thank the members of our current Finance Committee for all their contributions to another successful budget process. We'd also like to thank and commend the Select Board, all department heads, municipal employees, appointed and elected boards, and involved citizens for their collaboration. We specifically wish to express our thanks to Finance Director Aleesha Benjamin and Assistant Superintendent of Finance Mike Pfifferling for the significant time, resources, and guidance that they dedicated to this budget process. Finally, we would like to thank Town Administrator, Thatcher Kezer for his counsel, support, and leadership.

Respectfully submitted,

Alec Goolsby
Chair, Marblehead Finance Committee

Pat Franklin
Vice Chair, Marblehead Finance Committee

Molly Teets
Vice Chair, Marblehead Finance Committee

Fiscal 2024 RESERVE FUND

The following is an accounting of funds entrusted to the Finance Committee for Fiscal 2024 Reserve Fund use.

Reserve Funds – Fiscal 2024 ending June 30, 2024.....\$144,000.00

DEPARTMENTS FUNDS TRANSFERRED TO:

COA Transportation Coordinator Expense.....\$31,319.00

Police Assessment Center Expense.....\$12,520.00

BOA Patriot Abatement Consult Expense.....\$15,000.00

BOA Assessor Consultant Expense.....\$5,000.00

Fire Ladder Truck Emissions Expense.....\$16,000.00

Total Transferred.....\$79,839.00

Returned to Treasury.....\$64,161.00

Fiscal 2025 RESERVE FUND

The following detail represents funds voted to various departments by the Finance Committee from the Reserve Fund covering the period July 1, 2024, through April 29, 2025.

Annual Town Meeting Appropriation June 30, 2025, \$144,000.00

DEPARTMENTS FUNDS TRANSFERRED TO:

BOA Assessor Real Estate Appraiser Expense.....\$45,000.00

Total Transferred.....\$45,000.00

Balance Remaining.....\$99,000.00

Respectfully Submitted,

MARBLEHEAD FINANCE COMMITTEE

Alec Goolsby, Chair
Pat Franklin, Vice Chair
Molly Teets, Vice Chair
Timothy Shotmeyer
Terra Samuels
Michael O’Neil
Eric Knight
Michael Janko
Linday Dube

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.

Recommendation: No recommendation under this article.

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.

Recommendation: No recommendation under this article.

Article 3: Consent Articles**a. Assume Liability**

To see if 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 Highway Department 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 Selectmen 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

To see if 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

To see if 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 Three Years

To see if 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. Sponsored by the Select Board.

e. Financial Assistance for Conservation

To see if 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.

Recommendation: That this article be adopted.

Comment: There is no trust property to be accepted at this time.

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.

Recommendation: That the sum of \$28,668.72 be appropriated as follows:

Department	Fiscal Year	Invoice #	Amount
Sewer			
Paul Acciavatti	FY24	Reimbursement	79.00
Marblehead Current	FY24	562	200.00
Total Sewer			279.00
Water			
Marblehead Current	FY24	534	250.00
CAI	FY24	19850	2,018.00
Total Water			2,268.00
Select Board			
Smith Marine	FY24	065955	7,300.00
Total Select Board			7,300.00
Finance			
Voya Benefits	FY24	272709	580.50
Voya Benefits	FY24	274893	562.50
City Hall Systems	FY24	20261	558.00
City Hall Systems	FY24	20335	352.50
City Hall Systems	FY24	20414	237.00
The Amaral Group	FY24	TAGQ7510-03	7,136.22
INN04		INV24-0313	9,395.00
Total Finance			18,821.72
Total Unpaid Bills			28,668.72

Comment: This article allows payment of bills of the previous fiscal year ending June 30, 2024, at ATM by 4/5 vote to be approved for payment in fiscal year ending June 30, 2025, per MGL c. 44 § 64 (Payment of bills incurred in excess of appropriations).

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.

Recommendation: That the maximum amounts to be spent from department revolving funds during FY26 be as follows:

<u>MGL C44 s 53E1/2</u>		<u>Actual</u>	<u>Voted</u>	<u>Request</u>
Description	Project #	2024	2025	2026
Park Revolving Fund	470	\$884,227	\$1,500,000	\$2,000,000
Historic Comm Gift Shop	471	\$5,764	\$25,000	\$25,000
Council on Aging	473	\$76,731	\$250,000	\$250,000
Animal Control	474	\$13,902	\$20,000	\$740
Street Opening	475	\$10,000	\$150,000	\$280,000
Commercial Waste Coll	478	\$1,064,608	\$1,362,069	\$2,008,495
Conservation Fines	479	\$12,393	\$75,000	\$75,000
Hobbs Memorial Building	480	\$3,744	\$11,232	\$15,000
Vaccine Revolving	481	\$8,582	\$10,000	\$10,000
Special Education	486	\$91,572	\$500,000	\$500,000
School Transportation	832	\$0	\$25,000	\$25,000
Sump Pump Revolving	495	\$0	\$10,000	\$10,300
TOTAL		\$2,171,523	\$3,938,301	\$5,199,535

Article 6: Purchase of Equipment of Several Departments

To see if the Town will vote to 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.

Recommendation: That the sum of \$290,645 be appropriated, and to meet this appropriation, \$290,645 is to be appropriated from Free Cash. To include the following:

Department	Description	Amount
Waste	Ford F-150 Crew Cab	70,000.00
Rec & Park	Electric Mower	25,094.00
Police	Portable Radios	18,861.00
Police	Radar Replacement for Cruisers	21,690.00
Public Buildings	Ford F-150 Crew Cab	70,000.00
DPW	F-350 with Lift Gate and Plow	85,000.00
TOTAL		290,645.00

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.

Recommendation: That the sum of \$487,314 be appropriated, and to meet this appropriation, \$29,917 is to be transferred from the Waste Revolving Fund and \$457,397 is to be appropriated from Free Cash. To include the following:

Department	Description	Amount
Waste	Backhoe Lease	29,917.00
Waste	John Deere Wheel Loader Lease	26,079.00
Fire	Fire Training Vehicle	15,704.00
Rec & Park	Ford F-450 Dump Truck	21,159.00
Rec & Park	Wide Area Mower Lease	38,306.00
Police	2 Ford Interceptor Hybrids	45,593.00
Police	1 Ford Interceptor	21,538.00
Police	1 Cruiser	25,000.00
DPW	Aerial Bucket Lift Truck Lease	39,263.00
DPW	International Truck	134,210.00
DPW	F550 Platform -Stake Body Truck with plow	23,953.00
School	Large School Bus Lease	32,207.00
School	School Transportation 7D Van	34,385.00
TOTAL		487,314.00

Article 8: Capital Improvements for Public Buildings

To see if the Town will vote to 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.

Recommendation: That the sum of \$251,958 be appropriated, and to meet this appropriation, \$251,958 is to be appropriated from Free Cash. To include the following:

Department	Description	Amount
School	Glover HVAC Cafeteria	70,000.00
School	Glover School Playground	60,000.00
School	Reupholster Performing Arts Center	106,958.00
Police	Police Station Flooring Replacement	15,000.00
TOTAL		251,958.00

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.

Recommendation: That the sum of \$50,000 be appropriated, to be raised by taxation.

Article 10: Stormwater Construction

To see if 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.

Recommendation: That the sum of \$400,000 be appropriated, to be raised by taxation.

Article 11: Consent Articles, Water and Sewer

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

a. Water Department Construction

To see if 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, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommendation: That the sum of \$1,236,000 be appropriated, to be appropriated from Water Retained Earnings.

b. Sewer Department Construction

To see if 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, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommendation: That the sum of \$1,599,000 be appropriated, to be appropriated from Sewer Retained Earnings.

c. Water and Sewer Commission Claims

To see if 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.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2025.

Comment: The Cost-of-Living adjustment of 2% for non-union administrative positions is in line with historical annual increases. The adjustment is reflected in the Article 22 General Fund Operating Budget departmental salaries.

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.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2025.

Comment: The Cost-of-Living adjustment of 2% for non-union traffic supervisor (crossing guard) positions is in line with historical annual increases. The adjustment is reflected in the Article 22 General Fund Operating Budget departmental salaries.

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.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2025.

Comment: The Cost-of-Living adjustment of 2% for seasonal and temporary personnel positions is in line with historical annual increases. The adjustment is reflected in the Article 22 General Fund Operating Budget departmental salaries.

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.

Recommendation: That the yearly compensation for the Town Clerk be established at \$93,048.

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.

Recommendation: That the Town ratify certain actions taken by the Compensation Committee.

Comment: If passed, the following positions on the Administrative Pay Scale will be reclassified as previously approved by the Compensation Committee:

Grade Changes

- A. General Clerk (Council on Aging, part-time)
- B. Working Foreman Construction (Department of Public Works)
- C. Working Foreman Maintenance (Department of Public Works)
- D. Lead Heavy Equipment Operator (Department of Public Works)
- E. Specialized Heavy Equipment Operator (Department of Public Works)
- F. Health Inspector (Health Department)
- G. Temporary Special Clerk (Department of Public Works)
- H. Part-Time Chauffeur (Council on Aging)

New Position Grading

- A. Assistant Engineer (Department of Public Works)
- B. Community Development Planning Director (Community Development and Planning)
- C. Assistant Director of Waste (Waste Department)
- D. Superintendent of Parks (Recreation and Parks)

Title Change

- A. Media Specialist (Abbot Library)

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.

Recommendation: That the sum of \$627,323 be appropriated, to be raised by taxation.

Comment: The requested appropriation under this article has increased by \$159,266 in comparison to the previous year. The increase is driven by increased enrollment and increased costs.

Article 18: Available Funds Appropriate to Reduce Tax Rate

To see if the Town will vote to appropriate 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 making the tax rate, or take any other action relative thereto. Sponsored by the Finance Director.

Recommendation: That the sum of \$7,360,000 be appropriated from the following sources for the use of the Assessors in making the Tax Rate:

From Free Cash	\$7,000,000
From Electric Surplus	360,000
TOTAL	\$7,360,000

Comment: Certified free cash available before appropriation is approximately \$9,500,000. \$1,000,000 is being requested to be used to fund Capital needs previously listed in Articles 6, 7, and 8. \$7,000,000 is being used to balance the operating budget in Article 22, and \$1,000,000 is being transferred to the general stabilization fund in Article 27. \$500,000 is being reserved to fund discrepancies between the actual costs of final collective bargaining and the amounts projected in the Article 22 operating budget.

After the funding of stabilization this year, the Town will have a balance of \$1,500,000 in the account, which represents reserve funds. The Town has also budgeted \$444,000 in the Finance Committee reserve fund included in the operating budget, which represents a \$300,000 increase in this reserve fund year-over-year.

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 2026 with MASS C.O.P., AFL-CIO, Local 437, or take any action relative thereto. Sponsored by the Select Board.

Recommendation: Recommendation to be made at Town Meeting

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 2026 with Local 1776 of the IUE/CWA, AFL-CIO, or take any action relative thereto. Sponsored by the Select Board.

Recommendation: Recommendation to be made at Town Meeting

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 Local 2043 of the AFL-CIO CLC, or take any action relative thereto. Sponsored by the Select Board.

Recommendation: Recommendation to be made at Town Meeting

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.

Recommendation: That the sum of \$119,479,480 be appropriated. \$106,206,380 is to be raised from taxation and other available funds and \$13,273,100 is to be appropriated from available Enterprise Funds.

TABLE OF ESTIMATE APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

ITEM	DESCRIPTION	FY2024 BUDGET	FY2024 EXPENDED	FY2025 BUDGET	FY2026 PROPOSED	CHANGE FY25-FY26
	CATEGORY			AMOUNT		
Moderator						
1	Officials Expense	100	100	100	100	0
		100	100	100	100	0
Select Board						
2	Officials Expense	0	0	0	5,500	5,500
3	Salaries	671,726	465,079	544,005	502,138	-41,867
4	Expense	200,213	171,319	200,213	192,413	-7,800
		871,939	636,398	744,218	700,051	-44,167
Finance Committee						
7	Salaries	0	0	0	0	0
8	Expense	3,210	295	3,210	6,375	3,165
		3,210	295	3,210	6,375	3,165
Reserve Fund						
10	Reserves	144,000	0	144,000	444,000	300,000
Finance Department						
12	Salaries	881,954	683,639	814,438	841,786	27,348
13	Expense	788,105	614,402	759,490	847,127	87,637
		1,670,059	1,298,041	1,573,928	1,688,913	114,985
Assessor						
17	Officials Expense	300	300	300	300	0
18	Salaries	231,291	230,546	239,890	258,696	18,806
19	Expense	52,300	62,084	59,250	135,225	75,975
		283,891	292,930	299,440	394,221	94,781
Town Counsel						
29	Salaries	2,000	2,000	2,000	2,000	0
30	Expense	110,000	98,667	110,000	113,000	3,000
		112,000	100,667	112,000	115,000	3,000
Parking Clerk						
35	Expense	12,650	4,642	12,650	8,400	-4,250
Town Clerk						
39	Salaries	212,069	213,186	224,945	231,396	6,451
40	Expense	11,887	11,765	13,787	13,337	-450
		223,956	224,951	238,732	244,733	6,001
Election and Registration Department						
43	Salaries	28,415	13,734	36,150	16,150	-20,000
44	Expense	33,365	49,329	55,265	54,865	-400
		61,780	63,063	91,415	71,015	-20,400

TABLE OF ESTIMATE APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

ITEM	DESCRIPTION	FY2024 BUDGET	FY2024 EXPENDED	FY2025 BUDGET	FY2026 PROPOSED	CHANGE FY25-FY26
CATEGORY		AMOUNT				
Planning Board						
50	Expense	1,675	5,675	1,675	5,775	4,100
Public Buildings Department						
55	Salaries	126,252	123,171	131,000	136,931	5,931
56	Expense	121,549	129,750	142,945	149,895	6,950
		247,801	252,921	273,945	286,826	12,881
Human Resources Department						
57	Salaries	0	129,312	267,460	279,927	12,467
58	Expense	0	0	15,000	15,000	0
		0	129,312	282,460	294,927	12,467
Comm Dev & Planning Department						
59	Salaries	0	0	0	456,696	456,696
60	Expense	0	0	0	37,706	37,706
		0	0	0	494,402	494,402
VOTE TOTAL GENERAL GOVERNMENT		3,633,061	3,008,995	3,777,773	4,754,738	976,965
Police Department						
62	Salaries	4,516,504	4,513,398	4,644,044	4,730,006	85,962
63	Expense	206,053	213,293	235,909	254,681	18,772
		4,722,557	4,726,691	4,879,953	4,984,687	104,734
Fire Department						
68	Salaries	4,967,323	4,883,613	5,202,528	5,220,615	18,087
69	Expense	235,919	249,454	281,951	340,645	58,694
		5,203,242	5,133,067	5,484,479	5,561,260	76,781
Building Inspection Department						
73	Salaries	551,682	506,500	548,045	599,354	51,309
74	Expense	55,993	89,613	120,693	87,959	-32734
		607,675	596,113	668,738	687,313	18,575
Sealer of Weights and Measures						
80	Expense	250	0	250	2,100	1,850
Animal Inspector						
86	Salaries	2,400	2,400	2,400	2,400	0
VOTE TOTAL PUBLIC SAFETY		10,536,124	10,458,271	11,035,820	11,237,760	201,940

TABLE OF ESTIMATE APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

ITEM	DESCRIPTION	FY2024 BUDGET	FY2024 EXPENDED	FY2025 BUDGET	FY2026 PROPOSED	CHANGE FY25-FY26
CATEGORY		AMOUNT				
School Department						
101	Schools	44,837,273	44,550,311	46,759,111	49,120,287	2,361,176
VOTE TOTAL SCHOOLS		44,837,273	44,550,311	46,759,111	49,120,287	2,361,176
Engineer						
105	Salaries	193,685	191,197	199,914	0	-199,914
106	Expense	10,645	8,522	10,645	0	-10645
		204,330	199,719	210,559	0	-210,559
Public Works (Highway, Tree, Drains)						
112	Salaries	1,514,951	1,346,715	1,606,217	1,851,836	245,619
113	Expense	203,955	244,260	275,045	391,180	116,135
116	Maintain Streets and Sidewalks	98,141	104,128	15,726	58,026	42,300
		1,817,047	1,695,103	1,896,988	2,301,042	404,054
117	Snow Removal	105,000	122,148	105,000	105,000	0
Waste Collection						
126	Salaries	475,174	475,175	503,274	544,448	41,174
127	Expense	2,036,030	1,926,726	2,222,164	2,284,354	62,190
128	Landfill Monitoring Expense	114,600	88,267	114,600	114,600	0
		2,625,804	2,490,168	2,840,038	2,943,402	103,364
Cemetery Department						
141	Officials Expense	300	0	300	300	0
142	Salaries	441,910	434,829	456,448	459,670	3,222
143	Expense	30,621	30,385	35,793	35,073	-720
		472,831	465,214	492,541	495,043	2,502
VOTE TOTAL PUBLIC WORKS AND FACILITIES		5,225,012	4,972,352	5,545,126	5,844,487	299,361
Health Department						
153	Officials Expense	400	400	400	400	0
154	Salaries	228,739	222,875	236,477	237,560	1,083
155	Expense	83,952	74,219	87,313	88,081	768
		313,091	297,494	324,190	326,041	1,851
Council on Aging						
164	Salaries	375,563	407,549	392,649	395,401	2,752
165	Expense	14,050	14,050	14,050	28,059	14,009
		389,613	421,599	406,699	423,460	16,761

TABLE OF ESTIMATE APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

ITEM	DESCRIPTION	FY2024 BUDGET	FY2024 EXPENDED	FY2025 BUDGET	FY2026 PROPOSED	CHANGE FY25-FY26
CATEGORY		AMOUNT				
Veterans Benefits						
175	Salaries	76,576	76,487	62,258	78,725	16467
176	Expense	2,343	1,696	2,543	4,800	2,257
178	Benefits	45,000	50,705	45,000	65,000	20,000
		123,919	128,888	109,801	148,525	38,724
VOTE TOTAL HUMAN SERVICES		826,623	847,981	840,690	898,026	57,336
Abbot Public Library						
186	Salaries	1,054,391	998,822	1,088,496	1,148,053	59,557
187	Expense	269,065	268,946	295,626	345,239	49613
		1,323,456	1,267,769	1,384,122	1,493,292	109,170
Recreation and Park Department						
190	Salaries	698,170	663,898	724,387	749,527	25,140
191	Expense	243,628	233,925	253,950	287,500	33,550
		941,798	897,822	978,337	1,037,027	58,690
Memorial & Veterans Day						
210	Expense	7,550	3,780	7,550	7,550	0
VOTE TOTAL CULTURE AND RECREATION		2,272,804	2,169,371	2,370,009	2,537,869	167,860
Maturing Bonds and Interest						
214	Maturing Debt	6,980,000	6,980,000	7,540,000	5,955,000	-1,585,000
215	Interest	4,021,616	4,026,139	3,518,075	3,359,141	-158,934
TOTAL DEBT SERVICE		11,001,616	11,006,139	11,058,075	9,314,141	-1,743,934
Other General Government						
118	Street Lighting	128,820	53,790	128,820	60,000	-68,820
216	Utility Reserve	100,000	21,139	50,000	0	-50,000
217	Contributory Retirement Fund	4,493,049	4,512,303	4,879,451	5,380,625	501,174
218	Medicare	791,730	733,655	272,000	280,000	8,000
219	Workers Compensation/111F	397,169	397,169	398,000	398,000	0
220	Training	15,000	7,100	15,000	15,000	0
221	Group Insurance	14,652,293	12,145,455	14,465,018	15,100,893	635,875
222	Other Insurance	757,625	741,496	800,218	964,554	164,336
223	Salary Reserve	50,000	49,276	50,000	50,000	0
224	Noncontributory Retirement	0	0	0	0	0
225	Energy Reserve	428,544	22,120	140,000	0	-140,000
226	Other Post Employment Benefits	250,000	250,000	0	250,000	250,000
229	Stabilization Fund	0	0	0	0	0
VOTE TOTAL OTHER GENERAL GOVERNMENT		22,064,230	18,933,503	21,198,507	22,499,072	1,300,565
TOTAL GENERAL FUND ACCOUNTS		100,396,743	95,946,923	102,585,111	106,206,380	3,621,269

TABLE OF ESTIMATE APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

ITEM	DESCRIPTION	FY2024 BUDGET	FY2024 EXPENDED	FY2025 BUDGET	FY2026 PROPOSED	CHANGE FY25-FY26
	CATEGORY			AMOUNT		
	Sewer					
227	Salaries	1,023,759	927,774	1,127,582	1,150,375	22,793
228	Expense	971,396	849,553	1,116,422	1,114,149	-2,273
230	South Essex Sewer District	3,229,500	3,225,262	3,150,539	3,267,745	117,206
VOTE	TOTAL SEWER ENTERPRISE FUND	5,224,655	5,002,589	5,394,543	5,532,269	137,726
	Water					
231	Salaries	1,015,712	921,268	1,102,313	1,140,856	38,543
232	Expense	948,661	827,276	1,162,980	1,248,799	85,819
235	Mass Water Resource Authority	3,854,340	3,655,979	3,942,140	4,074,302	132,162
VOTE	TOTAL WATER ENTERPRISE FUND	5,818,713	5,404,523	6,207,433	6,463,957	256,524
	Light					
236	Operating Expenditures					
	Harbor					
238	Salaries	473,213	410,716	475,153	490,136	14,983
239	Expense	495,299	483,075	525,966	586,738	60,772
240	Outlays	116,000	131,739	180,000	200,000	20,000
VOTE	TOTAL HARBOR ENTERPRISE FUND	1,084,512	1,025,530	1,181,119	1,276,874	95,755
	TOTAL ENTERPRISES	12,127,880	11,432,642	12,783,095	13,273,100	490,005
	TOTAL BUDGETS	112,524,623	107,379,565	115,368,206	119,479,480	4,111,274

FY 2026 Revenue:

<u>FY 2026 General Fund Revenues:</u>	
Property Tax Levy	75,365,013
New Growth	300,000
Debt Exclusions	9,117,141
Total Property Taxes	84,782,154
Less: Overlay/Amts to be raised	-657,722
Total Property Taxes Available	84,124,432
State Aid	8,959,532
Less State Assessments	-2,475,615
Net State Aid	6,483,917
Local Receipts	8,868,668
Perpetual Care Fund Transfer	0
ConCom Fund Transfer	9,000
Total Other Available Funds	9,000
Water, Sewer, Harbor Gen Govt	437,686
Free Cash	7,000,000
Municipal Light Surplus	360,000
Total Funds voted to reduce tax rate	7,360,000
Total General Fund Revenue	107,283,703
General Fund Operating Budget	106,206,380
Tax Levy Funded Warrant Articles	1,077,323
Total General Fund Expenses	107,283,703

<u>FY 2026 Enterprise Funds Revenues:</u>	
Water User Charges	6,463,957
Water Retained Earnings	1,236,000
Total Water Revenue	7,699,957
Sewer User Charges	5,532,269
Sewer Retained Earnings	1,599,000
Total Sewer Revenue	7,131,269
Harbor User Charges	1,076,874
Harbor Retained Earnings	200,000
Total Harbor Revenue	1,276,874
Total Enterprise Revenue	16,108,100
Water Enterprise Budget	6,463,957
Water Enterprise Capital Article	1,236,000
Sewer Enterprise Budget	5,532,769
Sewer Enterprise Capital Article	1,599,000
Harbor Enterprise Budget	1,276,874
Total Enterprise Expenses	16,108,100

***Total General Fund and Enterprise Revenue for Budget \$119,479,480**

FY2026 WARRANT ARTICLES		TOTAL	TAX LEVY	SEWER RETAINED EARNINGS	WATER RETAINED EARNINGS	FREE CASH	WASTE REVOLVING FUND
Article 6	Equipment	301,741				290,645	
Article 7	Lease Purchase	491,218				457,397	29,917
Article 8	Public Buildings	236,958				251,958	
Article 9	Walls & Fences	50,000	50,000				
Article 10	Stormwater	400,000	400,000				
Article 11 a	Water Construction	1,236,000			1,236,000		
Article 11 b	Sewer Construction	1,599,000		1,599,000			
Article 17	Essex NS Tech	627,323	627,323				
Article 18	Reduce Tax Rate	7,000,000				7,000,000	
Total FY2026 Warrant Articles		11,942,240	1,077,323	1,599,000	1,236,000	8,000,000	29,917

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 EOHLA shall issue.

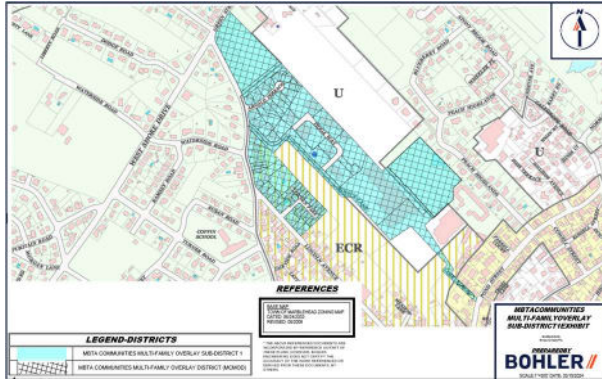
K. Administration. The Planning Board shall act as the approving authority and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for plan review. The plan review process encompasses the following, as may be supplemented by the administrative 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.

Recommendation: That this article be adopted.

Comment: The Finance Committee voted 8 in favor and 1 opposed. Those in favor cited the Massachusetts Supreme Judicial Court affirmation of the constitutionality of the MBTA Communities act on January 8, 2025 as a driving reason for their vote. Potential loss of grant revenues and future litigation costs associated with non-compliance of the legal enforceable mandate were also cited by those in favor of adoption.

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).~~

~~(e) 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.

Recommendation: No recommendation under this article.

Article 25: Amend Zoning 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 ~~eress-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.

§ 200-48~~52~~. 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 designee(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.~~

Recommendation: No recommendation under this article.

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.

Recommendation: That this article be adopted.

Comment: The passing of this article provides the Treasurer with additional flexibility when investing funds to maximize income.

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.

Recommendation: That this article be approved to transfer \$1,000,000 from Free Cash to the General Stabilization Fund.

Comment: With the \$1,000,000 funding of the stabilization account, the overall balance in this account moves to \$1,500,000. This is viewed favorably by bond rating agencies as this is a restricted reserve. In the future, use of funds from this account will require a 2/3 vote of Town Meeting.

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, and as established more specifically by the Select Board annually under Section 2, there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption plus 50 per cent of the annual water and sewer expense less the sum of: (i) 10 per cent of income, or other such percentage of income as determined under Section 3 of this act; (ii) the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws the applicant received for the year prior to the year for which the application is being filed; and (iii) any other statutory exemptions or other forms of property tax relief including the Senior Tax Work Off Program; provided, however that in no event shall this exemption be greater than the cap established on an annual basis by the Select Board in accordance with Section 5. 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, unless otherwise removed from the calculation above.

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; provided, however, that for the purposes of this act, what constitutes "excessive assets" shall be determined by regulations set by the Select Board. 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 annual household income does not exceed limitations established by the Select Board in accordance with Section 5;
- (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 average assessed value of a Marblehead single family residence ;
- (vi) the applicant must file for Circuit Breaker income tax credit under subsection (k) of Chapter 62 of the General Laws, if eligible; and
- (vii) the Board of Assessors has approved the application for the exemption.

SECTION 3. The exemption under Section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap for all real estate exemptions available under this act as set annually by the Select Board of the Town of Marblehead in accordance with Section 5. If benefits to the applicants may be limited because the cap established annually by the Select Board would otherwise be exceeded, the benefits shall be decreased pro rata.

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 as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. The Select Board may, after consultation with the Board of Assessors and after holding a public hearing for which notice of not less than 7 days provided, promulgate rules and regulations to implement this act.

SECTION 6. This act shall take effect upon its passage.
Or take any action relative thereto. Sponsored by the Select Board.

Recommendation: That this article be adopted.

Comment: If approved, this article authorizes the Select Board to petition the legislature to establish a targeted property tax exemption for Marblehead seniors whose property taxes consume a disproportionate share of their income. The Select Board will determine the maximum exemption amount available under this act on an annual basis. In the first year, the Select Board anticipates setting the cap at \$200,000, which will be funded from the tax overlay.

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.

Recommendation: That this article be adopted to provide additional tax relief to veterans based on the consumer price index for the previous year as determined by the Commissioner of Revenue.

Comment: The Commonwealth of Massachusetts passed the HERO Act, enacted by the Governor on August 1, 2024. This legislation enhances several areas of Veterans Benefits offered by the State. A key provision of the HERO Act expands Veteran Property Tax Abatement & Exemptions. This article is requesting to increase the Veterans Exemption by the percentage increase of the Consumer Price Index as determined by the Department of Revenue (DOR) beginning in Fiscal Year 2026.

For example, if a Clause 22 recipient receives a \$400 exemption, and the community accepts this option, and the CPI increases by 5%, the total exemption amount would increase to \$420.

Applicable to the following Veteran Property Tax Abatement & Exemptions:

- ☐ **Clause 22 - \$400: Veterans with a service-connected disability of 10% or more, Purple Heart recipients, Gold Star Parents, and eligible spouses or surviving spouses.**
- ☐ **Clause 22A - \$750: Veterans who suffered the loss of one foot, hand, or eye, or received high-level military decorations, and eligible spouses or surviving spouses.**
- ☐ **Clause 22B - \$1,250: Veterans who suffered the loss of both feet, hands, or eyes, and eligible spouses or surviving spouses.**
- ☐ **Clause 22C - \$1,500: Veterans with total disability and specially adapted housing, and eligible spouses or surviving spouses.**

- ☐ **Clause 22E - \$1,000: Veterans with a 100% service-connected disability, and eligible spouses or surviving spouses.**
- ☐ **Clause 22F - Full: Veterans who are paraplegics or 100% disabled due to blindness, and eligible spouses or surviving spouses.**

Article 30: Adjusted Exemption Amount 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.

Recommendation: That this article be adopted to provide additional tax relief to veterans by increasing the exemption by 100%.

Comment: Should both Clauses outlined in Articles 29 and 30 be implemented, they would function in conjunction. For instance, if a recipient under Clause 22 is granted a \$400 exemption and the community endorses Clause 22I, with a subsequent 5% rise in the CPI, the total exemption would adjust to \$420. Furthermore, if the community also approves Clause 22J, resulting in a maximum increase of 100% of the tax exemption allocated to veterans, the total exemption would then rise to \$840. The expected annual cost to the town if both Article 29 and 30 are passed is approximately \$60,000 which would be funded from the tax overlay.

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.

Recommendation: That this article be adopted.

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.

Recommendation: No Recommendation under this article.

Article 33: Mary A. Alley Building, HVAC System, ADA Improvements, Roof

To see if the Town will vote to appropriate \$5,750,000 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.

Recommendation: That the sum of \$5,750,000 be appropriated to be raised by issuances of debt subject to a Proposition 2 ½ debt exclusion.

Comment: The total cost of the Mary Alley Building project is estimated to be approximately \$6.2 million. \$0.5 million was previously authorized as a debt exclusion override at Town Meeting 2022. The balance being requested in Article 33 represents the difference between the total estimated cost and the debt issuance previously authorized.

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.

Recommendation: That the sum of \$8,610,602 be appropriated to be raised by issuances of debt subject to a Proposition 2 ½ debt exclusion.

Comment: The total cost of the Marblehead High School Roof and HVAC System project is estimated to be approximately \$14 million. \$5.4 million was previously authorized as a debt exclusion override at Town Meeting 2022. The balance being requested in Article 34 represents the difference between the total estimated cost and the debt issuance previously authorized.

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.

Recommendation: That this article be indefinitely postponed.

Comment: The sponsor has withdrawn this request.

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.

Recommendation: No Recommendation under this article.

Comment: This article establishes a stormwater enterprise fund. With the establishment of this fund, the amount of funds raised annually in warrant Article 10 would no longer be included as part of the tax levy. Instead, these funds would be collected annually through the new Stormwater Enterprise Fund rate fees. If this fund is established, it is anticipated that this funding change will take effect by FY28.

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.

Recommendation: No Recommendation under this article.

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.

Recommendation: No recommendation under this article.

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.

Recommendation: No recommendation under this article.

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.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be adopted.

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.

Recommendation: No Recommendation under this article.

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.

Recommendation: The Finance Committee voted in opposition of this article.

Comment: The Town is required by law to engage an external independent certified public accounting firm annually. The cost of the annual audit is approximately \$75,000.

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.

Recommendation: The Finance Committee voted in opposition of this article.

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.

Recommendation: The Finance Committee voted in opposition of this article.

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.

Recommendation: No recommendation under this article.

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.

Recommendation: No recommendation under this article.

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.

Recommendation: No recommendation under this article.

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.

Recommendation: No recommendation under this article.