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Thatcher W. Kezer III
Town Administrator

July 15, 2025

Her Excellency Maura Healey
Governor of the Commonwealth of Massachusetts
Massachusetts State House
24 Beacon Street
Boston, MA 02133

The Honorable Edward M. Augustus, Jr.
Secretary of the Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114

Dear Governor Healey and Secretary Augustus:

On behalf of the Marblehead Select Board, I write to express both our continued commitment to the MBTA Communities Act and the serious dilemma our Town now faces following the repeal of our MBTA 3A zoning bylaw through a voter referendum held on July 8, 2025.

The situation facing Marblehead illustrates a fundamental governance conflict. The Commonwealth has mandated municipal compliance through local legislative action, yet our home rule law allows voters to reverse those actions, creating a scenario in which only one answer is acceptable to the state, but two options exist for the public. Given this conflict, we respectfully request your assistance in helping Marblehead identify a realistic path forward.

I. Key Actions Taken by the Town

Marblehead has undertaken a multi-year, comprehensive effort to meet the requirements of the MBTA Communities Act. Extensive community engagement followed throughout 2023 and 2024, including public forums, Q&A sessions, and pop-up events.

In Fall 2023, our Planning Department and Planning Board identified three subdistricts in the 3A plan: Tioga Way, Pleasant Street, and Broughton Road, for multifamily zoning, guided by compliance modeling and public input.

This plan was presented to Town Meeting in May of 2024, Article 36, which was defeated (377 in favor, 410 opposed).

The Town continued public engagement, which culminated in the drafting of Article 23 for the May 2025 Town Meeting, which received endorsements from the Select Board, Planning Board and the Finance Committee. Town Meeting responded favorably by approving Article 23 (951 in favor, 759 opposed).

However, Marblehead's 1955 Special Act allows voters to overrule Town Meeting actions through referendum. In July 2025, voters exercised that option for the first time in the Act's history, thereby repealing the zoning bylaw and placing the Town out of compliance (3,297 to uphold Town Meeting vote, 3,642 to repeal the Town Meeting vote).

II. Community Opposition and Demands

Despite the Town's comprehensive and transparent planning process, a significant number of residents organized to oppose the MBTA 3A zoning proposal. Their objections reflected a range of concerns, some based on policy disagreements and others on deeper apprehensions about the implications of state-mandated housing initiatives.

Key concerns raised included:

- **Community Character and Scale:** Many residents expressed fear that the proposed zoning overlays would irreversibly alter the character of Marblehead's neighborhoods. They voiced concerns that introducing higher-density housing, regardless of design or location, would be inconsistent with the Town's historic scale, architectural aesthetics, long-established neighborhood patterns, and the lack of buildable land.
- **Infrastructure and Traffic:** Opponents questioned whether the Town's existing infrastructure, including water, sewer, roads, and public safety services, could adequately support additional housing units. Traffic congestion and parking availability were especially cited in more developed corridors such as Pleasant Street.
- **Lack of Local Control:** A prevailing sentiment was that the MBTA Communities Act represented a top-down mandate that undermined local governance. Residents argued that the Town, not the state, should determine the appropriate pace, location, and form of new housing development. Many viewed compliance as ceding too much authority to the Commonwealth, setting a new precedent that upsets the voluntary balance between state mandates and local control.
- **Skepticism of Housing Impact:** Some objectors were unconvinced that the proposed zoning changes would meaningfully address affordability. They questioned whether developers would actually produce affordable units and doubted that compliance would ease housing pressures for current or future residents.
- **Pace and Transparency of the Process:** While the Town engaged in a robust public outreach campaign, a segment of the community believed the process moved too quickly or was too complex to fully grasp. This led to frustration and, in some cases, distrust in the perceived transparency or intent of the initiative.

These objections culminated in demands that the Select Board take a stand against the state mandate. Residents called on the Town to formally oppose the MBTA Communities Act, reject any further attempts to adopt multifamily zoning under its provisions, and petition the Commonwealth for an exemption or exception from compliance. These sentiments were

especially strong following the initial rejection of the zoning article at the 2024 Town Meeting and grew further after Town Meeting approved the revised proposal in May 2025.

Ultimately, these objections carried the day at the ballot box, where the public exercised its authority under Marblehead's 1955 Special Act to reverse Town Meeting's vote in support of compliance. Despite strong advocacy by pro-housing residents and leadership by Town officials to support state law, the referendum outcome underscored the depth of local concern over both the process and perceived impacts of the zoning changes.

III. Dilemma and Request for State Assistance

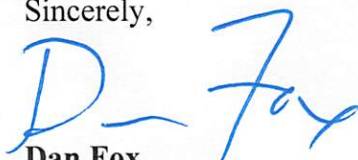
Now that Article 23 has been repealed, our only path to coming into compliance with 3A would be either to call a Special Town Meeting or wait until the next Annual Town Meeting in May 2026. In 2024, when the Select Board discussed holding a Special Town Meeting following a failed Town Meeting vote, the proposal was met with overwhelming public opposition. Special Town Meetings, especially for zoning, are not part of Marblehead's political tradition, and we believe it is highly unlikely that a future proposal to call one would succeed. Yet waiting until May 2026 would seem to risk litigation by the state and/or the loss of certain state funding programs.

In recent years, Marblehead has made extraordinary strides to professionalize and modernize our planning capabilities. We created a new Department of Community Development & Planning, hired talented staff, and launched enhanced efforts to secure state and federal grant funding. Continued non-compliance threatens to undermine this progress. Many of our priority projects, including housing, climate resilience, and infrastructure, depend on our ability to compete for state-administered funding, which is now at risk.

In light of the recent referendum, we request consideration for an exception or exemption to compliance. We believe punishing a municipality for failing a public referendum, after doing everything within its power to pass the law, risks discouraging good-faith efforts and alienating the very communities the policy seeks to support.

We look forward to further engagement and discussion on this matter.

Sincerely,



Dan Fox
Chair, Marblehead Select Board

cc: Attorney General Andrea Joy Campbell
Senator Brendan P. Crighton
Representative Jennifer Armini