

Town of Marblehead 2024 Town Warrant



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

You are hereby required and directed in the name of the Commonwealth of Massachusetts to warn and give notice to the inhabitants of Marblehead, qualified to vote in elections and in town affairs, to meet at the Marblehead Veterans Middle School Auditorium, Duncan Sleigh Square, 217 Pleasant Street, Marblehead, MA, on Monday, the sixth day of May next A. D. 2024 (it being the first Monday in May) at 7:00 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

Article 1 Articles in Numerical Order

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

Article 2 Reports of Town Officers and Committees

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

Article 3 Consent Articles

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

a. Assume Liability

That the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, for all damages that may be incurred by work to be performed by the Massachusetts 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 Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth, or take any other action relative thereto. Sponsored by the Select Board.

b. Accept Trust Property

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

c. Lease Town Property

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

d. Contracts in Excess of 3 Years

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

e. Financial Assistance for Conservation

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

Article 4 Unpaid Accounts

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

Article 5 Departmental Revolving Funds

To see if the Town will vote to fix the maximum amount that may be spent during FY 2025 beginning July 1, 2024 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 1/2, and to amend section 63-9(E)(10)(c) of the general bylaws as follows **(bold and underline** new ~~strike-out~~ removed):

(c) During each fiscal year, the Director of Public Works may incur liabilities against and spend monies from the Street Opening Revolving Fund for expenses related to opening various public ways for the purposes of utility work, **and making repairs to public ways and sidewalks.**

or take any other action relative thereto. Sponsored by the Select Board.

Article 6 Purchase of Equipment of Several Departments

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

Article 7 Lease Purchase

To see if the Town will vote pursuant to G.L. c. 44 §21C, to authorize the Select Board to enter into lease purchase agreements for the lease and purchase of vehicles and certain capital for a period of time not in excess of the useful life of the property to be procured

on such terms and conditions as the Select Board deem in the best interest of the Town; and to authorize the Select Board to take all actions necessary to administer and implement such agreement and to fund said lease purchase through an annual appropriation in the Capital Budget, or take any action relative thereto. Sponsored by the Select Board.

Article 8 Capital Improvements for Public Buildings

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

Article 9 Walls and Fences

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

Article 10 Storm Sewer Construction:

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

Article 11 Consent Articles, Water and Sewer

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

a. Water Department Construction

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

b. Sewer Department Construction

That the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewerage disposal, pump stations, original pumping equipment, metering

equipment, safety equipment, replacement of said equipment, engineering, consultants, surveys, including revenue studies and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

c. Water and Sewer Commission Claims

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

Article 12 Proposed Reclassification and Pay Schedule (Administrative)

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

Article 13 Proposed Pay Schedule and Reclassification (Traffic Supervisors)

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

Article 14 Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

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

Article 15 Compensation – Town Officers

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

Article 16 Ratification of Salary Bylaw

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

Article 17 Essex North Shore Agricultural and Technical School District

To see if the Town will vote to approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2024, and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Select Board.

Article 18 Transfer Funds to the Special Education Stabilization Account

To see if the Town will vote to raise, appropriate or otherwise transfer funds to the Special Education Reserve Fund; or take any other action relative thereto. Sponsored by the Finance Director.

Article 19 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.

Article 20 Collective Bargaining (Police)

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

Article 21 Collective Bargaining (IUE/CWA – Local 1776)

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

Article 22 CPI Increase For Qualified Seniors

To see if the Town will vote to accept G. L. c. 59, sec. 5, cl. 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under G. L. c. 59, sec. 5, cl. 41C by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024, or to take any other action related thereto. Sponsored by the Finance Director.

Article 23 Senior Tax Work Off Program

To see if the Town will adjust the exemption under G.L. c. 59 sec. 5(K) and; (1) allow an approved representative, for persons physically unable, to provide such services to the town; and (2) allowing the maximum reduction of the real property tax bill to be adjusted up to \$2,000, or take any other action related thereto. Sponsored by the Finance Director.

Article 24 Adopt Local Meals Tax

To see if the Town of Marblehead will accept G.L. c. 64L, § 2(a) to impose a local meals excise tax, or take any action relative thereto. Sponsored by the Finance Director.

Article 25 Adopt Local Room Tax

To see if the Town will vote to accept G. L. c. 64G, § 3A, authorizing the imposition of a local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental, or motel located within the Town of Marblehead at a rate of up to 6% of the total amount of rent for each such occupancy; Or take any other action relative to. Sponsored by the Finance Director.

Article 26 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, 2024, or take any other action relative thereto. Sponsored by the Finance Director.

Article 27 Supplemental Appropriation and Expenses of Several Departments

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the Town's General Government operating budget beginning in FY2025, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the Finance Director.

Article 28 Supplemental Appropriation and Expenses for the Schools

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the School Department's operating budget beginning in FY2025, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

Article 29 Debt Exclusion Premium:

To see if the Town will vote to transfer from Debt Exclusion Premium Receipts Reserved for Appropriation Fund to Excluded Debt Service for the purpose of reducing the amount of existing debt service and/or the amount of debt needed to be placed with final bonding, both have been exempted from the provisions of Proposition 2 1/2, an amount of up to \$171,643.60 for the fiscal year beginning July 1, 2024, or take any other action related thereto. Sponsored by the Finance Director.

Article 30 Capital Transfers:

To see if the Town will vote to Transfer \$353,876.54, or any other sum or sums of money, from the following unspent capital appropriations, which will thereby exhaust all of the available funds from the original appropriation, for the purpose of funding: (1) Road,

Sidewalk, Public Ways, and Garage Improvements in the amount of \$142,569.21, including any costs related and incidental thereto; (2) Community Center Boiler Replacement in the amount of \$42,000, including any costs related and incidental thereto; (3) Fire Headquarters painting and repairs in the amount of \$12,750, including any costs related and incidental thereto; (4) DPW Electric Panel Upgrade in the amount of \$8,211.47, including any costs related and incidental thereto; (5) 4 Head Mini-split A/C – Heat Unit in the amount of \$25,000, including any costs related and incidental thereto; (6) Mary Alley Building Fire Alarm System in the amount of \$26,000, including any costs related and incidental thereto; (7) Police Department Stairwells Treads and Flooring in the amount of \$5,557.33; (8) Veterans School Support Beam Repair \$38,000; (9) DPW Traffic Lights \$6,000; (10) Building Department Copper Crimp Tool and supplies \$4,7923.23; (11) School Bus partial lease funding \$2,875.66; Fire Department Air Conditioning to Headquarters \$19,000; DPW Complex ADA Transition Plan \$18,833.94, as follows:

Town Meeting	Transfer From: Capital Project	Transfer Out	Transfer To
ATM 2017	Art. 10 - Building Improvements	\$52,388.27	Rec & Park Community Center Boiler Replacement \$40k & Fire HQ painting and repairs \$10,388.27
ATM 2018	Art. 9 - Building Improvements	\$35,573.20	Fire HQ painting and repairs \$2,361.73, Building Dept. 4 Head Mini-Split A/C heat unit \$25k, DPW Electrical Panel Upgrade \$8,211.47
ATM 2018	Art. 11 - Building Improvements	\$71,259.61	Veterans School Support Beam Repair \$38k, Mary Alley Fire Alarm System \$26k, Police Stairwells Treads and Flooring \$5,843, DPW Traffic Lights \$1,416.61
ATM 2019	Art. 10 - Purchase of Equipment	\$9,376.65	DPW Traffic Lights \$4,583.39, Building Dept Copper Crimp tool and supplies 4,793.23
ATM 2020	Art. 9 - Lease Purchase of Equipment	\$2,875.66	School partial funding of school bus lease \$2,875.66
ATM 2020	Art. 10 - Building Improvements	\$39,833.94	Rec & Park Center Boiler \$2,000, Fire Dept Air Conditioning to HQ \$19k, DPW Complex ADA Transition Plan \$18,833.94
ATM 2020	Art. 19 - Road Improvements	\$142,569.21	DPW – Road, Sidewalks, Public Way, and Garage Improvements Project.

or to take any other action relative thereto. Sponsored by the Finance Director.

Article 31 Amend Bylaw to Increase Building Construction Permit Fees

To see if the Town will vote to amend the Town of Marblehead General Bylaws, Article III Permits, Section 30-15 and 30-16 as follows (underline and bold is new language and ~~cross through~~ is omitted language):

Section 30-15 Fees.

B. The amount of such fees shall be \$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 ~~\$30~~ \$50. This fee will include the cost of the wiring permit and plumbing permit.

- E. (1) Re-inspection fee: ~~\$50~~ \$70
- (2) Lost permit card fee: ~~\$100~~ \$120
- (3) Certificate of inspection fee: ~~\$100~~ \$120
- (4) Certificate of occupancy fee: ~~\$100~~ \$120

Section 30-16 Plumbing and gas permit fees

- (1) Plumbing
 - (a) Residential and commercial
 - [1] Remodel kitchen or bath: ~~\$30~~ \$50 plus \$5 per fixture.
 - [2] Replacing pipes: ~~\$30~~ \$50
 - [3] Hot water tank: ~~\$30~~ \$50
 - [4] Any other miscellaneous: ~~\$30~~ \$50
 - [5] Return inspection: ~~\$40~~ \$60
 - [6] Failure to obtain required permit prior to commencement of work: three times applicable fee.
- (2) Gas:
 - (a) Residential and commercial:
 - [1] Remodel: ~~\$30~~ \$50
 - [2] Hot water tank: ~~\$30~~ \$50
 - [3] Boilers: ~~\$50~~ \$70
 - [4] Any other miscellaneous: ~~\$30~~ \$50
 - [5] Return inspection: ~~\$40~~ \$60
 - [6] Failure to obtain required permit to commencement of work: three times applicable fee.

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

Article 32 Amend Bylaw to Increase Electrical Installations Permit Fees

To see if the Town will vote to amend the Town of Marblehead General Bylaws Permits, Section 52-6 as follows (underline and bold is new language and ~~cross through~~ is omitted language):

52-6. Fees

- (1) Additions, alterations and new construction. Where a building permit is required, the fee 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 following fees shall apply:
 - (a) Minimum charge: ~~\$30~~ \$50
 - (b) New service: ~~\$30~~ \$50
 - (c) Temporary service: ~~\$30~~ \$50
 - (d) Boiler: ~~\$30~~ \$50
 - (e) Motors (each): ~~\$15~~ \$35

- (f) Repairs: ~~30~~ **50**
- (g) Swimming pools: \$30 **50**
- (h) Standard current consuming outlets:
 - [1] One to 25: ~~30~~ **50**
 - [2] Twenty-six to 50: ~~50~~ **70**
 - [3] Fifty-one to 100: ~~40~~ **60**
- (i) Return inspection: ~~40~~ **60**
- (3) Fire alarm:
 - (a) Interior fire alarm system: ~~30~~ **50**
 - (b) Initial timing and connection of a privately owned fire alarm master box: ~~300~~ **320**

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

Article 33 To Amend Town Bylaw 13-10 Licensing and Registration of Dogs

To see if the Town will amend the second sentence of the Town of Marblehead Bylaw Article III Section 13-10 (A)License and registration required, as follows (**underline and bold** new and ~~strikethrough~~ removed).

- A. License and registration required. All dogs kept, harbored, or maintained by their owner or keepers in the Town of Marblehead shall be licensed and registered if over six months of age. Dog licenses shall be issued by the Town Clerk upon the payment of a license fee of ~~15~~ **20** for a spayed or neutered dog or upon the payment of a license fee of ~~20~~ **25** for an intact dog.

Or take any action relative thereto. Sponsored by the Town Clerk.

Article 34 Community Development and Planning Department

To see if the Town will vote to amend Chapter 106 of the General Bylaws by adding a new Article XI entitled "Community Development and Planning Department" as follows:

Article XI Community Development and Planning Department

Section 106-26 Appointment

The Select Board shall appoint a Director of Community Development and Planning for a period of three (3) years. The Director shall have the authority to appoint such employees as the Director's work requires, subject to number and compensation only to the approval of the Select Board.

Section 106-27 Duties

The Director of Community Development and Planning shall manage the operations of and be responsible for a wide range of activities and duties, including but not limited to land use planning, housing policy, transportation projects, historic preservation, community development, sustainability efforts, open space conservation programs, administration of regulatory boards and neighborhood improvement efforts; or take any action relative thereto. Sponsored by the Select Board.

Article 35 Assessing Department Under Chief Financial Officer

To see if the Town will vote to move the Assessing Department and the Town Assessor under the supervision of the Finance Director; or take any other action relative thereto. Sponsored by the Select Board.

Article 36 To see if the Town will vote to amend the Zoning Bylaw and map to adopt an 3A MULTI FAMILY OVERLAY DISTRICT

1) 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, and at residential densities specified in Table G, Table of Dimensional and Density Requirements:

TABLE H

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 1000 square feet in size

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

Dimensional and Density Requirements

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

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

(2) Building renovation. Renovation of existing buildings may maintain existing building footprints and may only expand such footprints insofar as such expansion is in compliance with the required dimensional requirements for new buildings.

(3) Fractional units. When the application of the allowable densities specified in Table G, Table of Dimensional and Density Requirements, results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

(4) Signage. Commercial signage proposed within a mixed-use development project shall be subject to the procedures and requirements of the Marblehead Sign Bylaw, Chapter 148 of the Marblehead General Bylaws, in effect as of the date of adoption of this Bylaw.

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

Table H
Off Street Parking Requirements

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

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

(3) Location of parking. Any surface parking lot shall be located at the side or rear of a building, relative to any public right-of-way or public open space. Subsurface parking that requires blasting may be disallowed if the approving authority finds, based on the results of a geotechnical analysis, that it is not possible to mitigate any extraordinary adverse impact of blasting on nearby properties.

(4) The approving authority may grant a plan approval making such modifications in the parking standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in or in proximity to the 3A. The approving authority may impose conditions of use or occupancy appropriate to such modifications.

(5) The approving authority may require additional visitor parking beyond the maximum required spaces per unit if deemed appropriate given the design, layout, use and/or density of the proposed development project.

(6) Construction standards. Each parking space shall be at least nine feet wide and 18 feet long and shall be designed with appropriate means of vehicular access to a street as well as maneuvering areas. Access and maneuvering areas shall not be obstructed or used for the parking of motor vehicles. Parking shall be designed and constructed to comply with all applicable disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).

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

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

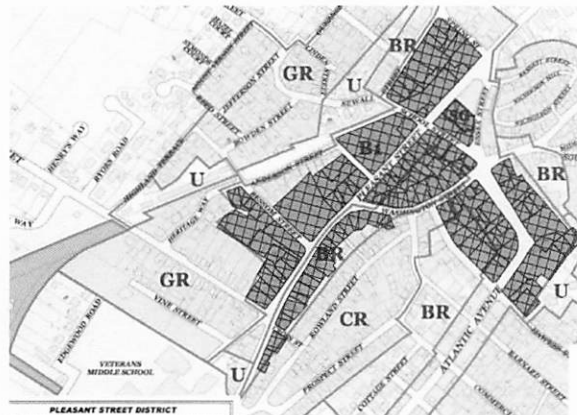
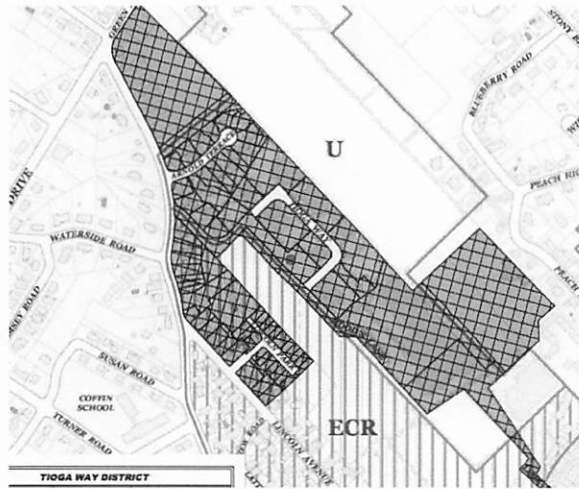
K. Administration. The Planning Board shall act as the approving authority and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for plan review. The plan review process encompasses the following, as may be supplemented by the administrative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

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

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

And

- 2) 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 Planning Board.

Article 37 Board of Health – Increase membership/Home Rule Petition

To see if the Town will vote to authorize the Select Board to seek special legislation to amend or supplant Chapter 43, Acts of 1801, An Act to empower the Town of Marblehead to choose a Board of Health, such that, post-amendment, the Marblehead Board of Health shall consist of five (5) members, each elected for a term of three (3) years. Said change to take effect at the first annual town election to occur following the effective date of this act, 3 members shall be elected. The candidate receiving the highest number of votes in that election shall serve a 3-year term. The candidate receiving the second highest number of votes shall serve a 2-year term. The candidate receiving the third highest number of votes shall serve a 1-year term. Thereafter, as the terms of the members expire, successors shall be elected for terms of 3 years. And further that the Selectboard shall be permitted to make changes hereto consistent with this Article, or take any other actions related thereto. Sponsored by the Board of Health.

Article 38 Approve MGL 41b Change Assessors from Elected to Appointed Positions

To see if the town will vote to change the currently elected position of the Board of Assessors into Select Board appointed positions pursuant to its authority under G.L. c. 41, § 1B, and contingent on the acceptance of G.L. c.41 § 25 by the voters of the following question on the 2024 Annual Town Election Ballot:

"Shall the Town vote to have its elected Board of Assessors become an appointed Board of Assessors of the Town? Yes. No.”;

or take any other action relative thereto. Sponsored by the Select Board.

Article 39 Amend Bylaw, Capital Planning Committee, Membership

To see if the Town will vote to amend Chapter 24, Article VII, section § 24-16 Purpose; membership; appointment (underline and bold new and ~~cross-out~~ removed).

The Capital Planning Committee shall consider and report on the influence of capital projects upon the present and future well-being of the Town. The Committee shall be composed of a total of ~~five~~ nine members, three residents to be appointed by the Select Board for a three year term. In addition there shall be six members appointed by the Select Board as follows: the Chair of the Finance Committee, Public Works Director, Community Development Director, Superintendent of Schools, Superintendent of Buildings and Town Administrator who shall be the chair. The Select Board may determine that the foregoing positions shall be changed if they determine a different staff person should serve instead. ~~to be appointed by the Board of Selectmen for three-year terms. No member of the Committee shall be a regular Town employee, a Town officer, or a member of a Town board, commission or committee responsible for the expenditure of Town funds.~~ A member who ceases to reside in the Town or accepts regular employment by the Town or is elected or appointed to a Town board, commission or

committee responsible for the expenditure of Town funds shall cease to serve on the Committee and a successor shall be appointed by the ~~Board of Selectmen~~ **Select Board** to serve the unexpired portion of the term, or take any other action relative to. Sponsored by the Select Board.

Article 40 Amend Article, Ballot order and time of Randon drawing of names for the Annual Town Election

To see if the Town will vote to change Article 39 of the 2022 Annual Town Meeting as follows (underline **and bold** new, ~~cross-out~~ removed).

The drawing shall be conducted by the Town Clerk or the Assistant Town Clerk, beginning not earlier than ~~6 o'clock in the afternoon of the day following the last day for candidates~~ **5:01 o'clock on the last day for candidates** to withdraw their nomination papers and continuing until such time as all ballot positions have been determined, or take any other action related thereto. Sponsored by the Town Clerk.

Article 41 Easement Fishing Point Lane / 297 Ocean Ave.

To see if the Town will purchase, take or otherwise acquire a twenty (20) foot wide easement in a portion of the property located at 297 Ocean Ave. (Assessor's Map 912 Lots 24 and 24A) including 6,710 square ft more or less as shown on a plan by Haley and Ward dated January 31, 2024 and on file in the Town Clerk's office for the purpose of storm water conveyance and outlets and construction and maintenance work associated therewith and to pay for said acquisition the Town appropriate a sum of money to pay for same and further that the Select Board be permitted to enter into any and all agreements to effectuate the purpose of this article, or take any action related thereto. Sponsored by the Department of Public Works.

Article 42 Amend Transfer Station Fees

To see if the Town will vote to discontinue personal beach and transfer station annual sticker fees for all Honorably Discharged Veterans who are legal residents of Marblehead or take any other action relative to. Sponsored by Charles Nordstrom and others.

Article 43 Amend General Bylaws Chapter 75-1 Leaf Blowers

To see if the Town will vote to amend Chapter 75-1 in the General Bylaws to modify the seasonal ban on gas leaf blowers to a year-round ban. Sponsored by Sabrina Velandry and others.

Article 44 Amend General Bylaws Chapter 75-2, Leaf Blowers

To see if the Town will vote to omit Chapter 75-2, citing gas leaf blower exceptions. Sponsored by Sabrina Velandry and others.

Article 45 Amend General Bylaws Chapter 75-3 Leaf Blowers

To see if the Town will vote to amend Chapter 75-3 concerning the leaf blower ban enforcement as follows:

- A. The Marblehead Police Department and the Marblehead Health Department and their respective designees, hereby referred to as "Enforcing Authority" shall have the authority to administer and enforce any violations of this bylaw.

B. Any person who violates the proposed ban, by using Gas Powered Leaf Blower, herein also referred to as "GPLB" shall be subject to a penalty in the amount of \$300 for each violation; provided, however, that the first offense may be the subject of a warning in the officer's discretion.

Sponsored by Sabrina Velandry and others.

Article 46 Amend Bylaws §174-6(C) and §174-11 and §174-13

To see if the Town will vote to improve the operation of, and to encourage the fullest participation in, Town Meeting by making certain changes to the Town of Marblehead Bylaws §174-6(C) "seating of strangers"; §174-11 Motions precedent; §174-13 Motion to Reconsider.

Minor edits to §174-6(C) will make the meeting more welcoming to young people and visitors. Clarification of §174-11 will ensure adherence to parliamentary rules that require an article be presented and moved before it can be indefinitely postponed. The changes to §174-13 will make it easier for the Town Moderator to reach a determination on a Motion to Reconsider. Sponsored by Daniel Albert and others.

Article 47 Amend Bylaws, Traffic Safety Advisory Committee

To see if the Town will vote to amend "Article X; Traffic Safety Advisory Committee" (5.1.2023 ATM, Art. 49) as follows (additions in bold)

24-25...The Select Board shall appoint by public vote three residents who are not employees of the town of Marblehead. The Select Board shall appoint additional members from town departments responsible for public safety....

24-26 MEETINGS The Traffic Safety Advisory Committee will meet at least monthly. One or more members will appear before the Select Board in a timely fashion but at least quarterly for the purposes of reporting date and activities and making recommendations. Sponsored by Daniel Albert and others.

Article 48 Improve Road Safety Indicators

To see if the Town will vote to paint the road safety shoulders as required by the "General Conditions Section 4 "Traffic", subsection i of the Site Plan Approval Decision and Land Disturbance Permit issued by the Town of Marblehead Planning Board on February 2, 2012 on or before June 1, 2024. Section 4(i) requires, "Restripe Maple Street between Lafayette Street and Humphrey Street to provide 6'-0" wide bike friendly shoulders and to create signed, live parking along the east curb from Cypress Street to the proposed service entry drive." This vote is not a request for additional work but for road safety features that have been missing for 12 years. Sponsored by Daniel M. Albert and others.

Article 49 Bylaw Select Board Terms, rescind

To see if the Town will vote to rescind the approved motion, which was made under Article 44 of the May 2, 2023 Annual Town Meeting, or to vote to change any subsequent Bylaw created as a result of that vote to make the elected term of the Select Board to be one year elected terms and, if necessary, to submit a home rule petition to the legislature to

change the term from a staggered 3 year term to 1 year terms, or take any other action relative thereto. Sponsored by Dwight Grader and others.

Article 50 Amend Bylaw, Recall provision for Elected Official(s)

To see if the Town will vote to amend the Town Bylaws by adding recall provisions for any elected official(s) in the Town of Marblehead and to authorize the Select Board to submit a home rule petition to the legislature for the acceptance of said recall provisions; or take any other action relative thereto. Sponsored by Daniel Donato and others.

Article 51 Amend General Bylaws, State Street Restrooms

To see if the Town will vote to amend the General Bylaws to maintain and keep open the State Street restrooms on a year-round basis and to approve a sum of money necessary to do so, or take any other action relative thereto. Sponsored by Philip Blaisdell and others.


Article 52 Appropriate funds for Website Design and Development

To see if the Town will vote to appropriate a sum of money to be expended by the Financial Services Department under the supervision of the Finance director for the purpose of purchasing services to design, develop, and update the Town Website or to take any other action relative thereto. Sponsored by Jim Zisson and others.

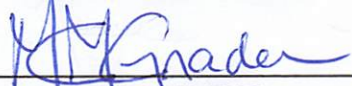
Article 53 Amend Zoning Bylaw, shed size

To see if the Town will vote to increase the size of sheds requiring just a building permit from 81 square feet to 121 square feet, or take any other action relative thereto. Sponsored by Kenneth Grant and others.

Given under our hands at Marblehead aforesaid this
7th day of February 2024.

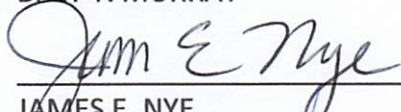


ERIN M. NOONAN, Chair

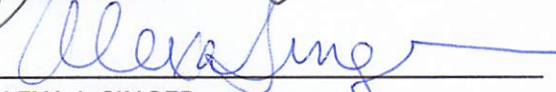


M. C. MOSES GRADER

BRET T. MURRAY



JAMES E. NYE

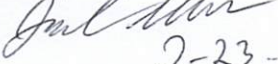


ALEXA J. SINGER

Select Board of Marblehead



A True Copy

Attest: 
2-23-2024, Constable

*ADA ADVISORY – Anyone in need of special accommodations for Town Meeting, please contact the office of the Select Board at 781-631-0000 by April 18, 2024, in order that reasonable accommodations may be made.