

# TOWN OF MARBLEHEAD 2023 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 first day of May next A. D. 2023 (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 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 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.

## **Article 4 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.

## **Article 5 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.

## **Article 6 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 7 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.

## **Article 8 Departmental Revolving Funds**

To see if the Town will vote to fix the maximum amount that may be spent during FY 2024 beginning July 1, 2023 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 further that the following amendment shall be made to the General Bylaws section 63-9 by adding a new subsection 13 as follows:

School Department Transportation Revolving Fund.

**(a)** There shall be a separate fund called the School Department Transportation Revolving Fund for use by the School Committee.

**(b)** The Finance Director/Town Accountant shall establish the School Department Transportation Revolving Fund as a separate account and credit to the fund all of the revenues received by the School Committee in connection with transportation expenses for the pay to ride bus program. Said revenues shall be collected from parent fees associated with said program.

**(c)** During each fiscal year, the School Committee may incur liabilities against and spend monies from the School Department Transportation Revolving Fund for expenses directly related to the pay to ride bus program commencing in Fiscal Year 2024.

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

## **Article 9 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, to authorize the Select Board to trade old equipment as part of the purchase price 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 10 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 11 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 12 School Capital Needs**

To see if the Town will vote to appropriate a sum of money for the purpose of making renovations and extraordinary repairs, including all professional feasibility studies, design, architectural and engineering fees to the Brown, Glover, Village, Veterans Middle and High School and their respective school grounds, and to purchase technology software and equipment and to raise the money for these purposes by the issue of bonds or notes, by the transfer of an unused/prior appropriation and borrowing authority for such purposes, or in any other manner, or take any other action relative thereto. Sponsored by the School Committee.

### **Article 13 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 14 Storm Drainage 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.

### **Article 15 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.

### **Article 16 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.

**Article 17 MWRA Local Water System Assistance Program, Interest Free Loan, Water Distribution Improvements**

To see if the Town will vote to appropriate a sum of money for the construction and reconstruction of the water distribution system, including all incidental or related costs; and to authorize the treasurer with the approval of the Select Board, to borrow said sum pursuant to G.L. c. 44, §§ 7 and 8 or any other enabling authority and to issue bonds or notes of the Town therefore, whether through the Massachusetts Water Recourse Authority ("MWRA") Local Financial Assistance Program or federal or state loan programs, and to authorize the Town to apply for, accept and expend any federal or state grants or loans that may be available for the project, or take any action relative thereto. Sponsored by the Water and Sewer Commission.

**Article 18 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.

**Article 19 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 20 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 21 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 22 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 23 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 24 Amend General Bylaws for New Human Resources Department**

To see if the Town will vote to amend Chapter 106 of the General Bylaws and add a new Article X as follows (**bold new**):

#### **Article X Human Resources Department**

##### **106-24 Appointment**

**The Select Board shall appoint a Director of Human Resources for a period not to exceed three (3) years. The Director shall have the authority to appoint such employees as the Director's work requires, subject as to number and compensation only to the approval of the Select Board.**

##### **106-25 Duties**

**The Human Resources Department shall manage the personnel and benefits functions of the Town including but not limited to: formulating and implementing personnel policies, employee relations, support for collective bargaining, wages and salaries administration, recruitment, monitoring workers' compensation, police/fire medical administration, benefits administration for town employees and retirees, overseeing unemployment benefits, and managing personnel records.**

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

#### **Article 25 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.

**Article 26 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, 2023, 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 27 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 28 Release Funds from Transportation Network**

To see if the Town will vote to appropriate or transfer from the reserve for appropriation Fund 27 for the purpose of implementing Transportation Infrastructure Enhancement Fund related to improvements to the rail trail, or take any other action relative thereto. Sponsored by the Finance Director.

**Article 29 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 30 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, 2023, or take any other action relative thereto. Sponsored by the Finance Director.

**Article 31 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 FY2024, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the Finance Director.

**Article 32 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 FY2024, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

**Article 33 Retirement Board Increase Base Amount**

To see if the Town will vote pursuant to G.L. c. 32 §103(j), to approve the acceptance by the Marblehead Retirement Board of an increase of \$2,000 in the maximum base amount which would increase such base amount from \$12,000 to a base amount of \$14,000 as of July 1, 2023, and which once accepted, may not be revoked, or take any action relative thereto. Sponsored by the Marblehead Retirement Board.

### **Article 34 Administrative Benefit Amendment**

To see if the Town will vote to amend Chapter 43 of the by-laws to provide the administrative employees of the Town with updated benefits and to appropriate or transfer from available funds a sum of money to make such benefits effective or take any other action relative thereto. Sponsored by the Select Board.

### **Article 35 Amend General Bylaws: Physical Examinations**

To see if the Town will vote to amend chapter 106 of the General Bylaws as follows (**bold** new and ~~cross-out~~ removed):

#### **106-1 Physical examination required.**

Any person **for any of the following positions**, before becoming an employee of the Town shall submit to a physical examination by a reputable doctor to be designated by the Select Board.

**Those position are:**

**Fire fighters**

**EMTs**

**Police officers**

**Any employee that works under the water department, sewer department, drains or department of public works, tree department, highway department**

**Recreation and Parks Employees**

**Board of Health Employees**

**Inspectors**

**Custodial staff**

**Animal Control Employees**

**Cemetery employees**

**Harbor Master Employees**

**And any other position which the Human Resources Director or if there is none, the Town Administrator determines to be in the best interest of the Town to require a physical examination prior to employment with the Town.**

Or take any other action relative thereto. Sponsored by Select Board.

### **Article 36 Amend General Bylaws: Allow the Use of Electronic Counting Devices**

To see if the Town will vote to amend Chapter 174 of the General Bylaws, section 174-10 by adding a new section (C) as follows (**bold new**):

A. Upon taking the question, if the decision of the moderator is doubted, or a division of the house called for, the moderator shall appoint tellers. The question shall then be distinctly stated, and those in the affirmative and negative, respectively, shall be requested to vote in the usual manner until they are counted by the tellers, who shall carefully count each side, and make report thereof to the moderator.

B. Upon the request of at least nine voters present at a meeting, made to the moderator from the floor, the vote shall be taken by written unsigned ballots in form approved by the moderator, which shall be distributed to all voters present at the meeting for their use in voting on the question, and shall be collected by the tellers from all the voters who wish to vote on

the question, and the tellers, after the ballots are marked and collected, shall carefully count the votes so cast and make report thereof to the moderator.

**C. The moderator may determine that electronic counting devices may be used for the meeting. Said devices shall be provided to each voter at the meeting. In the event electronic counting devices are used for a meeting, sections A and B above shall not apply.**

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

**Article 37 Accept G.L. c. 41 §110A Saturday Closure/Legal Holiday Town Clerk's Office**

To see if the Town will vote to accept G.L. c. 41 §110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for the purpose of calculating the time frame for filing matters in that office; or take any other action thereto. Sponsored by the Town Clerk.

**Article 38 Amend the Date of the Annual Town Election of Town Officers**

To see if the town will vote to Amend Town Bylaw, Chapter 174 paragraph 1 as follows (**bold new, ~~strikeout~~ removed**):

The Annual Town Meeting shall be held on the first Monday of May at 7:00 p.m. in each year at a place designated by the Select Board. The annual election for Town officers shall be held on the ~~third~~ **second** Tuesday after the first Monday in June each year. The Select Board in the warrant for the election of Town officers shall specify when the polls will be opened and when the polls will be closed in accordance with the provisions of Section 64 of Chapter 54 of the General Laws and amendments thereto. Or take any other action relative thereto. Sponsored by the Town Clerk.

**Article 39 Zoning Amendment - Accessory Dwelling Units**

To see if the Town will vote to amend the Zoning Bylaw by:

**I.) adding to ARTICLE XIII the following; 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) No more than one (1) accessory dwelling unit shall be permitted for each principal dwelling unit.
- (2) Accessory Dwellings Units are only allowed in or as an accessory to single family dwellings.
- (3) 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.
- (4) At least one (1) owner of the residence in which the accessory dwelling unit is created shall reside in one (1) 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.
- (5) 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.
- (6) 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 1000 square feet of habitable space 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.

The Planning Board 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 section 4 (c) below, if an accessory dwelling unit is proposed which is;

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

#### E. Additional Conditions and Requirements for all Accessory Dwelling Units

- (1) The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- (2) There shall be no occupancy of the accessory dwelling unit until the Building Department has issued a Certificate of Occupancy certifying that the principal dwelling and accessory dwelling unit are in compliance with all applicable health and building and fire codes.
- (3) The Building Permit/Certificate of Occupancy shall be revoked upon determination by the Building Inspector that any condition imposed by the town has not been fulfilled.
- (4) By filing the Application for a Building Permit for an accessory dwelling unit, all owners consent to an inspection upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.
- (5) 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 thirty (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 thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- (6) Duty 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.

*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.

*Affordable Accessory dwelling unit:*

*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.

*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 1 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.

#### **II.) Amend 200-Article VI Parking Requirements by adding a new paragraph to read as follows (bold text added):**

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.

III.) Amend 200-13 Accessory Uses by adding a paragraph that reads as follows: (bold text added)

F. Accessory Dwelling Units which meet the provisions of section 200-42 of this bylaw.

Amend Article IX 200-36 D. 2 by adding the following (bold text added):

D. Board decision.

(2) Planning Board. After holding a public hearing and after giving due consideration to the standards set forth in § 200-38C or 200-39G or **200-42** other applicable standards set forth herein, the Planning Board, by a vote of at least four of its members present, may approve the application or approve with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees as the Planning Board may determine. The Planning Board may also deny (§ 200-39, **200-42**) an application.

IV.) Amend 200-11 Classification of Use as follows:

Paragraph (c) as shall be amended follows (bold text added):

(c) Two-family dwelling: a detached dwelling with upper and lower dwelling units each designed for and occupied by a single family. **An Accessory Dwelling Unit shall not be considered a two-family dwelling.**

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

#### **Article 40 Franklin Street Fire Station Renovations**

To see if the Town will vote to raise, appropriate or otherwise provide a sum of money to fund improvements to the Franklin Street Fire Station, including but not limited to renovations and reconstruction and related expenses including but not limited to owner's project manager services, engineering, design, legal fees 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 41 Department of Public Works**

To see if the Town will vote to amend Chapter 45 of the General Bylaws, Article II Section 45-5 as follows (bold new ~~cross-out~~ removed).

Said Department shall be comprised of the Highway Department, ~~and~~ the Surface Drain Construction Department, **and the Tree Department.**

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

#### **Article 42 Public Shade Trees; Protection**

To see if the Town will vote to amend the General Bylaws, Chapter 177 Town Property, Article IV to add a new Section-9, Set Back Tree Planting as follows.

### **§ 177-9. Set Back Tree Planting**

**A. The Town may plant trees within 20 feet of the public right of way, provided that written permission from the adjoining property owner is obtained first consistent with G.L. c 87, sec. 7.**

**B. The tree planted under this provision are defined as “public shade trees” and thus protected by all sections of G.L c. 87.**

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

### **Article 43 Adopt G.L. c. 59 sec. 5 Clause twenty second H – local Veterans benefits**

To see if the Town will vote to adopt G.L. c. 59 sec. 5 clause twenty second H, for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the Nation Guard and Veterans whose proximate cause of death was service related or take any other action relative thereto. Sponsored by the Board of Assessors.

### **Article 44 Change Select Board Terms to 3 Years**

To see if the Town of Marblehead will vote to amend the Bylaw: Change the current term of Select Board from a one-year term to a three-year staggered term similar to the School Committee and most other local Select Boards. In order to implement this transition to three-year terms, in the Town election one year following enactment of the Bylaw amendment, the first highest vote recipient will receive a 3-year term the second highest vote recipient a 3 year term, the third highest recipient a 2 year term, the fourth highest recipient a 2 year term and the fifth highest recipient a 1 year term. All future terms will be 3 year staggered. Sponsored by James Zisson and others.

### **Article 45 Enhancements to the Comprehensive Annual Financial Review (CAFR)**

To see if the Town will vote to adopt enhancements and best practices of public sector reporting of the Town audit (CAFR) and oversight of the Town audit:

-by directing the Town’s independent auditor to include in the final audit report, if any, the independent auditor’s Management Letter(s), Report on Internal Control Over Financial Reporting, Report on Compliance by Each Major Federal Program and the Report on Schedule of Expenditures of Federal Awards;

-by directing the Town Finance Director to post on the Town’s web site the independent auditors’ said management letter(s) and three reports;

-by requiring the independent auditor in an open meeting of the Select Board to discuss results and findings of the CAFR including the said management letter(s) and three reports; and

-by the Select Board’s establishment of a Town Audit Committee with the Town Administrator serving as an ex officio member starting FY 2024 or take any other relative action thereto.

Sponsored by Ronald Grenier and others.

### **Article 46 100% carbon-free energy in Old and Historic Districts**

To see if the voters of Marblehead, in order to reach the goal of using 100% carbon-free energy in Marblehead that was approved at the 2018 Town Meeting, will vote to advise the Old and Historic Districts Commission to amend their guidelines: to allow the installation of heat pump systems, as long as the condensers are screened, and the line covers are painted to match the

siding and not installed on the front facing side of the houses, and to accommodate installation of solar photovoltaic roof tiles. Sponsored by Mark Adams and others.

#### **Article 47 Amend General Bylaws – Use of Gas Powered Leaf Blowers**

To see if the Town will vote to amend the General Bylaws by removing the newly created bylaws which regulates the use of gas powered leaf blowers as passed in the 2022 Annual Town Meeting, Article 31. Sponsored by Todd R. Norman and others.

#### **Article 48 Amend Chapter 119, Peace and Good Order Articles VII, Gas Power Leaf Blowers, Enforcement**

To see if the Town will vote to amend Chapter 119, Peace and Good Order, Article VII by adding new provisions following the initial paragraph as follows (underline and bold new, ~~cross-out~~ removed):

Sec 119-9 Summer Time Use of Gas Powered Leaf Blowers

119- 9 Prohibition:

A. Use of gas power leaf blowers shall be prohibited in the Town of Marblehead from Memorial Day to Labor Day each year. Such leaf blowers shall be permitted during the remainder of the year, subject to such other general rules of the Town are in effect from time to time.

B. A representative chosen by the Select Board may implement the use of GPLB's gas powered leaf blowers in a Town emergency situation at any time. (Approved Article 31 2022 ATM)

#### **119-10 Enforcement**

**A. The Marblehead Police Department and the Marblehead Health Department and their respective designees ("Enforcing Authority") shall have the authority to administer and enforce any violation of this bylaw.**

**B. The property owner upon whose property the violation shall have occurred shall be responsible for compliance with this bylaw. All warnings and fines shall be issued to the property owner.**

**C. In the event the Enforcing Authority witnesses a violation hereof, the Enforcing Authority shall require the person in violation to immediately cease using the gas power leaf blower.**

**C. The following penalties shall apply:**

**For the first violation, a written warning shall be issued. For the second violation a fine of \$100 shall be issued. For the third and any violation thereafter a fine of \$200 shall be issued. Each violation shall constitute a separate violation.**

Or take any other action relative to. Sponsored by Beatrice Stahl and others.

#### **Article 49 Creation of a Traffic Advisory Committee**

To see if the Town will create a bylaw that will establish a Traffic Safety Advisory Committee ("the TSAC"). The purpose of the TSAC will be to implement the Marblehead Complete Streets Policy and evaluate public safety issues involving traffic, roads, and other transportation,

infrastructure in the town. Monthly meetings will provide a forum for residents to come to the Town with traffic issues and conduct any other business related to its function as describe in this article. It will report to the Select Board quarterly. Members will include three residents who are not employees of the town of Marblehead and are appointed by the Select Board. The Select Board will appoint additional members from town departments responsible for public safety issues involving traffic, roads, and other transportation infrastructure. The chair of the TSAC will rotate annually. Sponsored by Daniel M. Albert and others.

#### **Article 50 Amend Town Bylaws Relative to New Subdivisions**

To see if the Town will vote to amend the Town bylaws Article V, Part III, Section 258-17 by inserting, "AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities (latest edition)" after "(AASHTO) publication, "A Policy on Geometric Design of Highways and Streets" (latest edition)." Sponsored by Daniel M. Albert and others.

#### **Article 51 Amend Town Bylaws Relative to Require Certain Boards/Committees to Record and Post Meeting Minutes**

To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic District Commission to record their meetings, with recordings and or meeting transcripts easily accessible along with official minutes linked form the Town Website after the meeting. Sponsored by Rosalind Nadeau and others.

#### **Article 52 Amend Town Bylaws Relative to 940 CMR 29.10 of Open Meeting Law**

To see is the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Water Board, Recreation & Parks Commission and Old & Historic Districts Commission to fully implement best practices related to 940 CMR 29.10 of the Massachusetts Open Meeting Law governing remote participation by ensuring the use of hybrid meeting platforms or remote platforms for all body members and for the public at all public meetings. Sponsored by Rosalind Nadeau and others.

#### **Article 53 Acceptance of MGL Chapter 53 Section 9A, Nomination Papers**

To see if the Town will accept the provisions of Massachusetts General Law Chapter 53, Section 9A, or take any other action relative thereto. Sponsored by Jonathan Lederman and others.


#### **Article 54 Standard Operating Procedures Manual**

To see if the Town will vote to create a Standard Operating Procedures Manual that will define for the public the process regularly executed, and the fundamentals employed for decision making by the Select Board, Board of Health, Harbors & Waters Board and Recreation & Parks Commission. The Manual will include but is not limited to defining each Board's Purpose, Membership, Member Qualifications, Appointments, Power and Duties, Organizational Structure, Communication Process, Recommendations for Town Meeting and SOP Quality Assurance. Sponsored by Megan Sweeney and others.

Given under our hands at Marblehead aforesaid this  
8<sup>th</sup> day of February 2023.

  
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M. C. MOSES GRADER Chair

  
\_\_\_\_\_  
JACKIE BELF-BECKER

  
\_\_\_\_\_  
ERIN M. NOONAN

  
\_\_\_\_\_  
JAMES E. NYE

  
\_\_\_\_\_  
ALEXA J. SINGER

Select Board of Marblehead



A True Copy

Attest:  , 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, 2023, in order that reasonable accommodations may be made.**