

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. 2019 (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 Board of Selectmen.

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 Board of Selectmen.

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 Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or take any other action relative thereto. Sponsored by the Board of Selectmen.

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 Board of Selectmen.

Article 6 Contracts in Excess of Three Years

To see if the Town will authorize the Board of Selectmen, 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 Board of Selectmen.

Article 7 Amend Recreation and Parks Revolving Fund

To see if the Town will amend Chapter 63-9, Department Revolving Funds, of the Town of Marblehead General Bylaws by amending section 63-9(E)(2) Recreation and Parks Revolving Fund, as follows (**underline and bold** new language ~~erossout~~ removed language):

(b) The Finance Director/Town Accountant shall establish the Recreation and Parks Revolving Fund as a separate account and credit to the fund all of the revenues received by the Recreation and Parks Commission from recreation programs including the teen center, program fees, rentals, miscellaneous sales, promotional fees, \$~~40.00~~ **15.00** of out of town parking fees charged on weekends, and various recreational fund raising events.

(c) During each fiscal year, the Recreation and Parks Commission may incur liabilities against and spend monies from the Recreation and Parks Revolving Fund for the expenses related to the teen center, recreation programs, rentals, miscellaneous sales, promotions, and various recreational fund raising activities, including equipment and capital improvements. In addition, \$~~40.00~~ **15.00** of out of town parking fees charged on weekends shall be used for capital improvements at Devereux Beach, **to support the operations at Devereux Beach, and to support operations of the Recreation and Parks Department.** Or take any action relative thereto. Sponsored by the Recreation and Parks Department.

Article 8 Departmental Revolving Funds

To see if the Town will vote to fix the maximum amount that may be spent during FY 2020 beginning July 1, 2019 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, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 9 Purchase and Planting of Trees

To see if the Town will vote to appropriate a sum of money to be expended by the Tree Department under the supervision of the Tree Warden for the purpose of the purchase and planting of trees along the roadways, or to take any other action relative thereto. Sponsored by David Hooks, Harry C. Christensen and others.

Article 10 Purchase of Equipment of Several Departments

To see if the Town will raise and appropriate any sums of money for the purchase of equipment for several departments of the Town, to authorize the Board of Selectmen 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 Board of Selectmen.

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 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 Board of Selectmen.

Article 12 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 Board of Selectmen.

Article 13 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 14 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 15 Water and Sewer Commission Claims

To see if the Town will vote to authorize the Water and Sewer Commission and the Board of Selectmen 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, sewer and storm water system, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 16 Storm Drainage Construction

To see if the Town will vote to appropriate 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 Water and Sewer Commission; or to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 17 Amend General Bylaw, Building Fees

To see if the town will vote to add the following building department fees by amending the Town of Marblehead Bylaw, Article I General Provisions, sections 30-15 as follows:

Item 1: Amend section C as shown below (~~cross-out~~ omitted and **bold underline** new):

C. Any person, firm or corporation that begins construction or alteration without the proper permits shall be required to pay a ~~double~~ **triple** permit fee at the time the permit is issued.

Item 2: Add a new section E as follows;

- E. 1. Re-inspection fee \$50.00
- 2. Lost permit card fee \$100.00
- 3. Certificate of Inspection fee \$100.00
- 4. Certificate of Occupancy fee \$100.00

Or take any other action relative thereto. Sponsored by the Building Department.

Article 18 Amend Fee for Demand for Payment of Taxes

To see if the Town, in accordance with G.L. c. 60 § 15, will vote to change the fee charged by the Collector for each written demand issued from a fee of \$15 to a fee of \$30 to be added and collected as part of the tax, or take any action relative thereto. Sponsored by the Finance Director.

Article 19 Indigenous Peoples' Day

We, as citizens of the town of Marblehead, MA, would like to change Columbus Day to Indigenous Peoples' Day starting 2019. Sponsored by Holly Jaynes and others.

Article 20 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, 2019 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 21 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 22 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 23 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 24 Medicaid Reimbursement Money

To see if the Town will vote to transfer funds from the Medicaid Reimbursement account to the FY2019 Special Education Stabilization account, or take any other action relative thereto. Sponsored by the Finance Director

Article 25 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, 2019, or take any other action relative thereto. Sponsored by the Finance Director.

Article 26 Zoning Bylaw Recodification, Technical Corrections

To see if the town will vote to recodify, amend, revise, delete, renumber and make technical corrections to the provisions of the Town of Marblehead Zoning Bylaw, sections 200-1 through 200-49, and accompanying tables as follows:

Article I Administration

200-1 Zoning Authority

200-2 Enforcement

200-3 Certificate of Occupancy

200-4A Board of Appeals

200-4B Planning Board

200-5 Variance

200-6 Amendments

Article II Definitions

200-7 Meaning of Words

Article III Zoning Districts

200-8 Establishment of districts

200-9 Interpretation of zone district boundaries

Article IV Use Regulations

200-10 District Allowed Uses

200-11 Classification of Uses

200-12 Additional Use Provisions

200-13 Accessory Uses

200-14 Auxiliary Uses

Article V Dimensional Regulations

200-15 District Regulations

200-16 Additional dimensional provisions

Article VI Parking

200-17 Parking requirements

200-18 Parking Requirements for expansions

200-19 Parking requirements for elderly and low-income housing

200-20 Location of required parking spaces

200-21 Parking space requirements

200-22 Parking impact on open area

200-24 Parking requirements for wireless communication facilities (WCF)

Article VII

200-25 Nuisances
200-26 Earth removal
200-27 Equipment noise
200-28 Temporary trailers
200-29 Exterior mechanical equipment
Article VIII Nonconforming Building, Lot or Use
200-30 Existing nonconformance
200-31 Rebuilding after catastrophe
200-32 Discontinued nonconforming use of building
200-33 Demolished nonconforming building
Article IX Special Permits
200-34 Types of Special Permits
200-35 Process for special permits
200-36 Special permit for use and dimension
200-37 Special permit for site plan approval
200-38 Special permit for incentive zoning
200-39 Special permit for wireless communications facilities (WCF)
200-40 Special permit for nursing homes and assisted living facilities
Article X Validity
200-41 Prior law
200-42 Severability
200-43 Penalty for violation
Article XI Smart Growth Overlay District*
200-44 Smart Growth Overlay District*
Article XII Design Review*
200-45 Design Review*
Article XIII Floodplain District*
200-46 Floodplain District*
200-47 Purpose*
200-48 Development regulations*
200-49 Definitions*

Table 1, Land Use Regulations

Table 2 Dimensional Regulations

(* Denotes no changes)

~~strikethroughs~~ (indicating deletion) and underlines (indicating additions), all as set forth in the document entitled “FINAL DRAFT (RED-LINE VERSION) – January 29, 2019,” all as on file in the office of the Town Clerk, and further to authorize the Town Clerk and the Town Planner to make any adjustments thereafter in the numbering and organization as appropriate to remedy any deficiencies within the Final Draft (Red-Line Version), or take any other action relative thereto. Sponsored by the Planning Board.

Article 27 Zoning Bylaw Amendment and Revisions – Definitions

To see if the town will vote to amend the zoning bylaw as follows ~~striketroughs~~ (indicating deletion) and underlines (indicating additions):

a. ARTICLE II Definitions § 200-7. Meaning of words:

BUILDING, NEW - A building which did not exist immediately prior to commencement of construction, or ~~as well as~~ the reconstruction, alteration, or repair of an existing building involving either ~~both~~ 50% or more of new exterior walls (cladding excluded) ~~and~~ or the replacement by 50% or more of the structural elements of that building.

b. ARTICLE II Definitions § 200-7. Meaning of words:

CONSTRUCTION, START OR COMMENCEMENT OF - ~~Construction commences after the completion of site preparation with either the excavation for a foundation or the permanent affixing and integrating to the site or existing building of a load-bearing component of the building, specifically the foundation in the manner in which it will be integrated into the final structure. A component is not permanently affixed and integrated if it is subsequently removed.~~ Construction commences upon initiation of Site Preparation or if no Site Preparation (i) the excavation of a foundation or (ii) permanent affixing and integrating of a load-bearing component to the site.

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

Article 28 Zoning Bylaw Amendment and Revisions

To see if the town will vote to amend the zoning bylaw as follows ~~striketroughs~~ (indicating deletion) and underlines (indicating additions):

200-7 Add the following definition:

STORAGE TRAILER OR BOX – A portable self-storage unit, otherwise known as a "POD" or a "box container" serving residential purposes.

200-13 Accessory Uses Add the following:

200-13 Portable Residential Storage Trailers/Boxes shall be allowed in a Residence District for not more than three months cumulative in any twelve month period. Notwithstanding the foregoing, a portable self-storage unit serving a construction project with an active building permit is exempt.

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

Article 29 Zoning Bylaw Amendment and Revisions – Sheds

To see if the town will vote to amend the zoning bylaw as follows ~~striketroughs~~ (indicating deletion) and underlines (indicating additions):

Amend section 200-13, Accessory Uses by including a new exception as follows:

§ 200-13. Accessory uses.

B. Exceptions. Sheds which are no greater than 81 square feet, no taller than 15 feet and are no closer to the lot lines than one-half the required distance for the side and rear lot lines and in conformance with the front yard set-back requirements under the table of dimensional controls may be constructed by right.

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

Article 30 Zoning Bylaw Amendment to Classification of Retail

To see if the town will vote to amend the zoning bylaw as follows ~~striketroughs~~ (indicating deletion) and underlines (indicating additions):

Amend ARTICLE IV Use Regulations § 200-11(A)(4) Classification of uses / Retail and consumer services.

Revise provisions related to “Other retail store” as follows:

(b) **Retail, Small.** A facility selling goods, but not specifically listed in the Table of Use Regulations and which is not in excess of 2000 square feet. The facility shall include the main structure, any area(s) covered or uncovered in or upon which merchandise is stored or displayed for sale.

(c) **Retail, Large.** A facility selling goods, but not specifically listed in the Table of Use Regulations and which is in excess of 2000 square feet. The facility shall include the main structure, any area(s) covered or uncovered in or upon which merchandise is stored or displayed for sale. ~~Other retail store: store, other than for boat services [Subsection A(5)(e)], for the sale of merchandise where all display and sales are conducted within a building.~~

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

Article 31 Zoning Bylaw Amendment and Revisions – Parking Space Dimensions

To see if the town will vote to amend the zoning bylaw as follows ~~strike throughs~~ (indicating deletion) and underlines (indicating additions):

Article VI Parking Requirements

Section 200-21 Parking Space Requirement shall be amended as follows:

Each parking space shall be at least nine feet wide and ~~20~~ eighteen 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.

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

Article 32 Marijuana Tax

Shall the Town vote to accept the provisions of Massachusetts General Laws Chapter 64N, § 3 to impose a

3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Marblehead. Or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 33 Marijuana Retailers – General Bylaw

To see if the Town will vote to amend the Town of Marblehead General Bylaws to add a new Chapter 97: Marijuana Retailers, which would limit the number of Marijuana Retailers to 20% of liquor stores, as follows:

Chapter 97: Marijuana Retailers

§ 97-1. Limitation on Number of Licenses Issued.

The number of Marijuana Retailers, as defined by M.G.L. c. 94G, § 1, in the Town of Marblehead shall be limited to twenty (20%) percent of licenses issued in the Town of Marblehead for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.

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

Article 34 Amend General Bylaw License and Permits

To see if the Town will vote to amend the Town of Marblehead General Bylaws section 90, Licenses and Permits, as follows (**underline and bold** is new language and ~~cross-out~~ is removed language):

A. § 90-1 Delinquent taxpayer list shall be amended as follows:

The Tax Collector or other municipal official responsible for records of all taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, ~~for not less than a twelve-month period,~~ and that such party has not filed in good faith a pending application for an abatement of such

tax or a pending petition before the Appellate Tax Board.

B. § 90-2 Denial, revocation or suspension of license or permit shall be amended as follows:

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector **or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector;** provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to enter in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at ~~law~~ **law** except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees assessments, betterments, or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

or take any action relative thereto. Sponsored by Finance Director.

Article 35 Amend General Bylaw, Stormwater

To see if the Town will vote to amend the Town of Marblehead General Bylaws section 195, Stormwater

Management and Erosion Control, as follows (**underline and bold** is new language and ~~cross-out~~ is removed language)

Item 1

§ 195-1 Purpose, amend as follows:

- A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; destruction of aquatic and wildlife habitat; flooding; and overloading or clogging of municipal catch basins and storm drainage systems. The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment, **and pollutants from illicit connections and discharges to municipal storm drain systems** as major sources of water pollution, impacting drinking water supplies, natural habitats and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff, **and regulation of illicit connections and discharges to the municipal storm drain system** is necessary for the protection of the water bodies and ground water resources within the Town of Marblehead, to safeguard the health, safety and welfare of the general public and protect the natural resources of the Town.
- B. The objectives of this by-law are to:
 - (1) Protect water resources;
 - (2) Require practices that eliminate soil erosion and sedimentation;
 - (3) Control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
 - (4) Require practices to manage and treat stormwater runoff generated from new development and redevelopment;

- (5) Protect groundwater and surface water from degradation;
- (6) Promote infiltration and the recharge of groundwater;
- (7) Prevent pollutants from entering the municipal storm drain system;
- (8) Ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
- (9) Ensure adequate long-term operation and maintenance of structural stormwater best management practices;
- (10) Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at construction sites that may cause adverse impacts to water quality;
- ~~(11) Comply with state and federal statutes and regulations relating to stormwater discharges; and~~
- (11) Prohibit illicit connections and unauthorized discharges to the municipal storm drain system;**
- ~~(12) Establish the Town of Marblehead's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement.~~
- (12) Remove all such illicit connections;**
- (13) Comply with state and federal statutes and regulations relating to stormwater discharges; and**
- (14) Establish the Town of Marblehead's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement.**

Item 2

§ 195-2 Definitions, amend as follows:

AUTHORIZED ENFORCEMENT AUTHORITY

The Conservation Commission and its employees or agents designated to enforce this by-law. **For permits pursuant to §195-7, where the Conservation Commission does not have**

jurisdiction over the land disturbance activity, the Planning Board is designated as the authorized enforcement authority. For illicit connections and discharges, the Board of Water & Sewer Commissioners is designated as the authorized enforcement authority.

ILLICIT CONNECTION

A surface or subsurface drain or conveyance, which allows an illicit discharge into the storm drain, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law. Connections to the municipal storm drain system which constitute illicit discharges as defined below which exist at the time of enactment of this regulation are considered illicit connections.

ILLICIT DISCHARGE

Any direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7 of this regulation.

Item 3

§ 195-4 Applicability, amend as follows:

Insert a new paragraph C

C. Illicit Discharges and Illicit Connections.

Illicit discharges and connections shall include, but not be limited to: all flows of non-stormwater into the municipally owned storm drain system, a watercourse, and any waters of the Commonwealth located within the boundaries of the Town of Marblehead.

Re-letter the existing paragraph “C” to “D”.

Item 4

§ 195-6 Regulations, amend as follows:

Each of the authorized enforcement authority**ies** may adopt and periodically amend rules and regulations to effectuate the purposes of this by-law **under their respective jurisdiction.** Prior to the adoption and subsequent amendment to the rules and regulations, if any, the authorized enforcement authority shall hold a public hearing. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. A copy of the adopted regulations shall be made available at the Office of the Town Clerk and as otherwise deemed appropriate by the authorized enforcement authority. Failure by the authorized enforcement authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Item 5

§ 195-7 Permits, **amend** as follows:

Change the title of the section to Permits/**Prohibitions.**

- A. Permit hereunder is required prior to any activity disturbing 40,000 or more square feet of land **or less than 40,000 square feet that is part of a larger common plan of development or sale, that will ultimately alter or disturb any land equal to or greater than 40,000 square feet. Where the Conservation Commission does not have jurisdiction over the land disturbance activity, the Planning Board is the land disturbance permit granting authority.** The site owner or his/her agent shall apply to the authorized enforcement authority for the permit. While application may be made by a representative, the permittee must be the owner of the site.
- B. **Illicit discharges and illicit connections shall be prohibited.**

- (1) Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into any storm drain system, into a watercourse, or into waters of the United States and/or Commonwealth.
- (2) Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (3) Obstruction of the Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the Marblehead Water and Sewer Commission.

C. Exemptions. The enforcement authority shall be permitted to adopt regulations which provide exemptions to § 195-7(B) and which do not render the foregoing prohibitions without meaning.

Item 6

§ 195-14 Enforcement, amend as follows:

B. Orders, add a new section 4.

(4) Upon discovery of illicit discharges or illicit connections, the authorized enforcement authority may issue a written order to enforce the provisions of this by-law or the regulations promulgated thereunder, which may include:

(a) elimination of illicit connections or discharges to the municipal storm drain system;

(b) performance of monitoring, analyses, and reporting;

(c) that unlawful discharges, practices, or operations shall cease and desist;

and

(d) remediation of contamination in connection;

(e) payment of a fine to cover administrative and remediation costs; and

(f) implementation of source control or treatment BMPs.

If the enforcing person determines that abatement or remediation of contaminations is required and is the responsibility of the property owner, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Marblehead may at its option, undertake such work, and expenses times three thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Marblehead, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Marblehead Water & Sewer Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Marblehead Water & Sewer Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G. L. Ch. 59, section 57 after the thirty-first day at which the costs first become due.

Or take any other action relative thereto. Sponsored Water and Sewer Commission

Article 36 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 Board of Selectmen, 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, and further, that any premium received by the Town upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44 § 20, thereby reducing the amount authorized to be borrowed to pay such costs by like amount, or take any action relative thereto. Sponsored by the Water and Sewer Commission.

Article 37 Ban use of gas-powered Leaf Blowers

To see if the Town will vote to support a resolution banning the use of gas-powered leaf blowers by both private citizens and commercial landscapers throughout the Town of Marblehead, or take any other actions relative thereto. Sponsored by Myra Sussman and others.

Article 38 Annual Election of Town Officers.

To amend the Town Bylaw, Chapter 174 paragraph 1 changing the date of annual election of Town Officers by striking “Tuesday after the second Monday in May” to the third Tuesday after the first Monday in June each year, or take any other action relative thereto. Sponsored by Walter W. Horan and others.

Article 39 Extension of Elected Terms to Town Officials

A one-time extension of the Elected Terms to Town Officers in order to coincide with the June Special Election date. The transition year being 2020, or take any other action relative thereto. Sponsored by Walter W. Horan and others.

Article 40 Affordable Housing /Tax Title Foreclosures

To see if the Town will vote to appropriate, transfer or otherwise fund \$40,000 to be paid to the Affordable Housing Trust which is a 10% portion of the proceeds received from the sale of tax foreclosure properties, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 41 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 42 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 43 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 Board of Selectmen.

Article 44 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 Board of Selectmen.

Article 45 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 Board of Selectmen.

Article 46 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 Board of Selectmen.

Article 47 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 48 Overnight Parking Ban

Be it resolved that the Town of Marblehead shall institute on or before November 15, 2019 an alternative to the annual Winter Parking Ban which allows for on street parking all winter EXCEPT for specific limited snow or other public emergency situations (e.g. the "Blue Light" Parking Systems implemented in most of the surrounding communities.) Such a plan shall also include a provision for the Selectmen to impose a Regular Parking Ban on those streets and byways that they determine must remain parking free all winter. This system shall be funded out of

the available town budget, or take any other action relative to. Sponsored by John Liming and others.

Article 49 Sharing of Administrative Functions

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71, § 37M and authorize consolidation of certain administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the town, provided that such consolidation only occur upon a majority vote of the School Committee and a majority vote of the Board of Selectmen, or take any action relative thereto. Sponsored by the School Committee and the Board of Selectmen.

Article 50 Repairs to Fort Sewall

To see if the Town will vote to appropriate, transfer or otherwise fund a sum of money to fund improvements to Fort Sewall, and to raise said sum by borrowing or otherwise, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 51 Construct a New School

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount sufficient to be expended under the direction of the Elbridge Gerry School Building Committee for the design and construction of a new Pre-K through Third Grade Elementary School with an approximate square footage of 81,935 square feet located at 40 Baldwin Road in Marblehead, Massachusetts inclusive of abatement and demolition of the existing school structures on said property; new parking lots, a multi-purpose field, and all other costs incidental and related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 37.08 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant

amount determined by the MSBA. Or take any other action relative thereto. Sponsored by the School Committee.

Article 52 Discontinue and Change of Use - Portion of Baldwin Road

To see if the Town will vote to discontinue and abandon that portion of Baldwin Road, so called, as shown on a plan dated January 29, 1958, entitled "Baldwin Road Alteration", including 5,176 square feet +/- and which said plan is on file in the office of the Town Clerk and further, that the use thereof is changed from municipal use to school use under the care, custody and control of the School Committee for school purposes; or take any other action relative thereto. Sponsored by the School Committee.

Article 53 Gerry School Reuse

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

Article 54 Supplemental Appropriation 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 for FY2020, contingent upon the passage of a Proposition 2 ½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

Article 55 Supplemental 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 supplemental expenses of the several departments of the Town for the fiscal year beginning July 1, 2019, or take any other action relative thereto. Sponsored by the Finance Director.

You are hereby further required and directed to notify and warn the Inhabitants of the Town of Marblehead aforesaid who are qualified to vote in elections and in Town affairs to subsequently meet at the several designated polling places in their respective precincts in said Marblehead to wit:

In Precinct 1 - Polling Place –

OLD TOWN HOUSE

1 Market Square

In Precinct 2 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 3 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 4 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 5 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 6 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

on Tuesday, the 14th day of May next A.D. 2019 (it being the second Tuesday after the first Monday in May) at 7 o'clock in the forenoon then and there to bring into the precinct officers of their respective precincts their votes on one ballot for the following-named Town Officers to wit:

Selectmen 5 for 1 year term

Moderator 1 for 1 year term

Town Clerk 1 for 3 year term

Assessor 1 for 3 year term

Cemetery Commission 1 for 3 year term

Board of Health 1 for 3 year term

Housing Authority 1 for 5 year term

Library Trustee 2 for 3 year term

Library Trustee 1 for a 1 year un-expired term

Municipal Light Commission 2 for 3 year term

Planning Board 1 for 3 year term

Recreation and Park Commission 5 for 1 year term

School Committee 2 for 3 year term

Water & Sewer Commission 2 for 3 year term

Water & Sewer Commission 1 for 1 year un-expired term

For these purposes the polls will be open at each and all of said precincts at 7 o'clock in the forenoon and will be closed at 8 o'clock in the afternoon at each and all of said precincts and you are directed to serve this Warrant by posting attested copies thereof at Abbot Hall and ten (10) other conspicuous places in Town as required by the Bylaws not later than thirty (30) days after being closed.

Hereof fail not and make due return of this Warrant or a certified copy thereof with our doings thereon, to each of the several precinct wardens at the time and place of meetings aforesaid and to the Town Clerk as soon as may be before the said meetings.

Given under our hands at Marblehead aforesaid this
21 day of February 2019.

JACKIE BELF-BECKER, Chair

HARRY C. CHRISTENSEN, JR.

M. C. MOSES GRADER

JUDITH R. JACOBI

JAMES E. NYE

Selectmen of Marblehead



A True Copy

Attest:

, Constable