

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 High School, Field House, 2 Humphrey Street, Marblehead, MA, on Monday, the fourth day of May next A. D. 2026 (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 Department of Transportation 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. 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. 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. 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. 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. Sponsored by the Conservation Commission.

or take any other action relative thereto.

ARTICLE 4: Amend Zoning Bylaw - 3A Multi-Family Overlay District

To see if the Town will vote to amend the Zoning Bylaw and map to adopt a 3A Multifamily Overlay District by adding a new provision, as follows:

Amendment #1

ARTICLE 200-43.

A. Purpose. The purposes of 3A Multi-family Overlay District (3A Overlay) are:

- (1) To lower the permitting barrier for multifamily housing and to comply with the MBTA Communities Act, G.L. c. 40A § 3A;
- (2) To allow as-of-right multi-family housing in a variety of overlay zoning districts; and
- (3) To ensure high-quality site planning, architecture, and landscape elements that are consistent with the visual identity of the Town of Marblehead.

B. Scope and authority.

- (1) The 3A Multifamily Overlay District is superimposed over the underlying zoning district (s) as shown on the 3A Multifamily Overlay District Map dated [insert date], which is hereby made part of the Zoning Map of the Town of Marblehead. The use and dimensional regulations and all other provisions in the underlying district(s) shall remain in full force except for uses

allowed in the 3A Overlay. At the option of the owner, development of land within a 3A Overlay may be undertaken through the plan approval process under this § 200-43 or by complying with all applicable requirements of the underlying district. Uses and dimensional controls of the 3A Overlay are not subject to any special permit requirements of the underlying district or applicable overlay districts.

- (2) The 3A Overlay consists of two subdistricts: the Broughton Road 3A Subdistrict and the Tedesco 3A Subdistrict. The boundaries of each district are as shown on the 3A Multifamily Overlay District Map

C. Definitions. All definitions are as they appear in §200-7 and §20-44D of this Bylaw. To the extent that there is any conflict between §200-44 and G.L. c. 40A, § 3A, the latter shall control.

D. Use Regulations.

- (1) The following uses shall be permitted subject to plan approval:

	3A Broughton Road Subdistrict	3A Tedesco Subdistrict
Residence Uses		
Multifamily development project	Yes	Yes
Mixed-use development project	No	Yes

- (2) Nonresidential uses permitted as-of-right in the underlying district(s) are permitted as part of a mixed-use development project in the 3A Tedesco Subdistrict.

- (3) Prohibited uses or activities in the 3A District.

(a) Any use prohibited by the underlying zoning in effect as of the date of adoption of this Bylaw.

(b) Any use not listed in § 200-43D is expressly prohibited.

E. Dimensional Regulations.

- (1) New buildings within the 3A Overlay shall be subject to the bulk, dimensional, and density requirements in Table E, Table of Dimensional and Density Requirements:

	3A Broughton Road Subdistrict	3A Tedesco Subdistrict
Minimum lot area (sq. ft.)	7,460	27,460
Maximum Residential Density (units/acre)	19	25
Minimum frontage (lin. ft.)	35	35
Minimum front setback (lin. ft.)	6	6
Minimum side setback (lin. ft.)	(a)	(a)
Minimum rear setback (lin. ft.)	(a)	(a)
Minimum open space (% lot area)	(b)	(b)
Maximum building height (ft.)	35	35

Notes to Table E:

(a) 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.

(b) One square foot of open land area (in addition to the areas of required parking spaces on the lot) for each two square feet of gross floor area.

- (2) Renovation of existing buildings may maintain the existing building footprints and may expand them only to the extent that the expansion complies with the dimensional requirements for new buildings.
- (3) When applying the allowable density in Table E, 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 it is 0.5 or greater. 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 comply with the Marblehead Sign Bylaw, Chapter 148 of the Marblehead General Bylaws, in effect as of the date of adoption of this § 200-43.

F. Off-Street parking.

- (1) Off-street parking shall comply with the following minimum requirements:

	3A Broughton Road Subdistrict	3A Tedesco Subdistrict
Dwelling unit (2 or more bedrooms)	2.0	2.0
Nonresidential use	N/A	1.0 space/300 sq. ft.

- (2) Fractional spaces. When applying the minimum required parking standards in § 200-43F results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if it is 0.5 or greater. 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) During the plan approval process, the approving authority may modify the parking requirements in Table F or prescribe safeguards and conditions as it deems appropriate, provided it finds that:
 - (a) Meeting the requirements in Table F is impractical for the proposed development;
 - (b) The modifications are appropriate for the proposed use; and
 - (c) The modifications will not result in or exacerbate existing parking or traffic problems in or near the proposed development.
- (5) The approving authority may impose use or occupancy conditions appropriate to the modifications.
- (6) 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.

G. Design standards.

- (1) 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 the Executive Office of Housing and Livable Communities (EOHLC) on May 1, 2009 ("Design Standards"). 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. In the event of any conflict between this Bylaw and the Design Standards, this Bylaw shall govern.
- (2) The following additional requirements shall apply to structures in the 3A district:
 - (a) All structures shall have a 9 x 12 pitch gable roof.
 - (b) Dormers shall be permitted, provided that:
 - (i) No dormer shall exceed the peak of the roof;
 - (ii) There shall be a clear visual separation between the roof eaves of the building and the dormer; and
 - (iii) There shall be at least three feet of space between the side walls of the dormer and the edges of the roof; and
 - (iv) Each dormer shall have clear windows only on the front wall, accounting for at least 25 percent of the wall area.
 - (c) All windows shall be double-hung.

- (d) All siding shall be clapboard.
- (3) The following site development and landscaping requirements shall apply to development projects in the 3A Overlay District:
 - (a) A landscaping plan prepared by a registered landscape architect with a valid Massachusetts license shall be submitted as part of the plan approval submission process and shall comply with the plan approval authority's 3A Overlay Rules and Regulations. Landscape plans should be designed to integrate with building placement, circulation, and open space, thereby creating a cohesive environment.
 - (b) Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
 - (c) A landscape edge shall be provided along public street frontages and maintained consistent with the requirements of this section.
 - (d) Street trees should be provided along the property line. Wherever possible, the trees should match the existing street trees in type and planting detail. Existing rows of trees along a street should be maintained.
 - (i) Shade trees should be provided at an average rate of one tree per 15 lineal feet of street frontage, preferably planted as groups of trees than rigidly spaced apart and located between 12 to 20 feet away from the traveled way. The caliper width shall be not less than two and one-half inches in diameter.
 - (ii) Transitional buffers shall be required between properties in the 3A Overlay and abutting residential districts to create a compatible transition with the surrounding neighborhoods. Landscaping within buffer areas may include shade, ornamental, or evergreen varieties, considering the quality and character of existing vegetation, soil types, light conditions, drainage, and so forth.
 - (e) Parking Area Design.
 - (i) Parking Area Plantings. In parking lots containing 30 or more spaces, a minimum of one deciduous shade or ornamental tree and two shrubs, exclusive of any required perimeter plantings, shall be planted for every 3000 square feet of parking lot. When planted, deciduous trees shall have a minimum height of 10 feet or a caliper

width not less than two and one-half inches in diameter.

- (ii) Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
 - (iii) In parking lots with more than 75 spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other by installing a combined planting strip and sidewalk at least eight feet in width. Design of planting strips and sidewalks shall take into account the need to store snow, locate light poles, install deciduous trees, and allow safe pedestrian movement. In addition, if an existing parking lot is expanded to over 75 spaces, planting strips and sidewalks may be required for the entire lot as determined by the plan approval authority. All proposals to construct or modify parking lots shall be approved by the plan approval authority.
- H. Affordable housing. Affordable Housing Requirements shall apply to any development under this § 200-43. In any development with more than six dwelling units, at least 10 percent of the units shall be affordable for households with income not exceeding 80 percent of the area median income as determined by EOHLIC.
- I. Administration. The Planning Board shall act as the approving authority and shall adopt Rules and Regulations to implement this § 200-43. The Board's Rules and Regulations shall include, at a minimum, administrative rules and submission requirements and procedures for plan review, and shall be filed with the Town Clerk. The plan review process for development under this § 200-43 shall be as provided under § 200-44(K), together with any rules and regulations adapted by the Planning Board to administer this § 200-43.
- J. Effective Date. The effective date of this § 200-43 shall be the date of adoption by Town Meeting, However, no applicant shall proceed with construction pursuant to this § 200-43 until final approval by the Office of the Massachusetts Attorney General.
- K. Severability. The provisions of this § 200-43 are severable. If any provision of this § 200-43 is held invalid, the other provisions shall not be affected but shall remain in full force.

Amendment #2

To amend the Marblehead Zoning Map by adding the 3A Multifamily Overlay District and its two subdistricts: the Broughton Road District and Tedesco District. The boundaries of the two districts are delineated as 3A Broughton Road Subdistrict and 3A Tedesco Subdistrict are as shown in the 3A Multifamily Overlay District Map dated February 11, 2026, which is hereby incorporated in the Marblehead Zoning Map and which is on file with the Town Clerk.

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

ARTICLE 5: Amend Zoning Bylaw - Accessory Dwelling Units

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws Accessory Dwelling Units, as follows (underline and bold is new language and ~~cross-out~~ is removed language) and change all the rubrics accordingly.

§ 200 Article IX, § 200-42. Accessory dwelling units.

A. Purpose. This section authorizing the provision of accessory dwelling units is intended to:

- (1) Increase the number of small dwelling rental units available in the Town;
- (2) Increase the number of affordable rental units available in Town;
- (3) Increase the range of choice of housing accommodations to meet the needs of households;
- (4) To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households;
- (5) To encourage the efficient use of the Town's housing supply while preserving the character of the town's neighborhoods;
- (6) To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.

B. General requirements.

- (1). Accessory dwellings units shall only be permitted in a zoning district that permits single-family residential dwellings.
- (2).** No more than one accessory dwelling unit shall be permitted for each principal dwelling unit.
- (3).** Accessory dwellings units are only allowed in or as an accessory to **Principal Dwellings** ~~single-family dwellings~~.

- ~~(4).~~ Accessory dwelling units are allowed within or attached to an existing **Principal Dwelling** ~~single-family structure~~ or detached accessory building **that is affixed to a foundation** ~~with a permanent foundation~~ and that is accessory to **an** existing **Principal Dwelling** ~~single-family structure~~.
- (5). Short-term rentals, as defined, are prohibited in both the accessory and principal dwelling units.

C. Exterior appearance and size. The accessory dwelling unit shall be designed to maintain the appearance and essential character of **the Principal Dwelling** ~~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 900 square feet of gross floor area or exceed 50% of the gross floor area of the principal dwelling, whichever is less.
- ~~(4).~~ ~~The accessory dwelling unit shall not contain more than two bedrooms.~~
- (45). The accessory dwelling unit shall meet all regulations of the Board of Health.
- ~~(56).~~ The accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.

D. Procedure. For all detached accessory dwelling units or accessory dwelling units which require a change in footprint or height and which are attached to the principal dwelling, shall require Site Plan Review by the Planning Board in accordance with section 200-38 hereof and which the Planning Board shall approve or approve with conditions but shall not deny.

Any accessory dwelling unit which is proposed on a pre-existing non-conforming lot shall be subject to review by the Zoning Board of Appeals pursuant to G.L. c. 40A sec. 6 which shall consider the issuance of a finding that the proposed accessory dwelling unit is not substantially more detrimental to the neighborhood than the existing non-conforming structure(s) located thereon. Said review shall ONLY consider any extension or intensification of existing non-conformities. In the event the proposed accessory dwelling unit is located within all required

setbacks and does not intensify the open area requirements, then no review by the Zoning Board shall be required. The Zoning Board of Appeals may not consider the use but only the impact on the dimensional standards when considering the finding.

E. Additional conditions and requirements for all accessory dwelling units.

- (1) The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- (2) There shall be no occupancy of the accessory dwelling unit until the Building Department has issued a certificate of occupancy certifying that the principal dwelling and accessory dwelling unit are in compliance with all applicable health and building and fire codes.
- (3) The building permit/certificate of occupancy shall be revoked upon determination by the Building Inspector that any condition imposed by the Town has not been fulfilled.
- (4) By filing the application for a building permit for an accessory dwelling unit, all owners consent to an inspection upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.
- (5) Parking for accessory dwelling units there shall be one additional parking space per accessory dwelling unit which is in addition to what is required for the principal use. Except if the ADU is located within ½ mile from a commuter rail station, subway station, ferry terminal or bus station no parking is required. A bus station is defined as a location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station.

F. Enforcement and termination. In addition to the authority of the Building Commission under any other provisions of this bylaw, statute or regulations, the following shall apply:

- (1) It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
- (2) No building shall be constructed or changed in use or configuration until the Building Commissioner has issued a permit.
- (3) Any new building or structure shall conform to all adopted state and Town laws, bylaws, codes and

regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.

- (4) The Building Commissioner shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
- (5) The accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this bylaw that the owner fails to appeal or cure, upon 30 days' written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- (6) Duties of owner upon termination include:
 - (a) The owner shall discontinue the use of the accessory dwelling unit as a separate dwelling unit.
 - (b) The kitchen facilities of the accessory dwelling unit shall be removed.
 - (c) Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed.

G. Severability. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

H. Definitions. For the purpose of this Section 200-42 the following words shall have the following meanings:

ACCESSORY DWELLING UNIT

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than $\frac{1}{2}$ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller .”

EXISTING DETACHED ACCESSORY BUILDING – A detached accessory building that is lawfully existing as of the effective date of this bylaw and that has a permanent foundation.

GROSS FLOOR AREA – The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but

excluding: crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

PRINCIPAL DWELLING UNIT

A dwelling unit permitted as a principal residential use under § 200-11 Classification of uses, limitation of uses.

SHORT-TERM RENTAL UNIT

An owner-occupied, tenant-occupied or non-owner-occupied property, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed-and-breakfast establishment, or accessory dwelling unit where: (i) at least one room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. For the purpose of this, the Accessory Dwelling Unit Bylaw, a short-term rental shall be anything leased for fewer than ~~90~~ 31 days.

Or take any other action relative thereto. Sponsored by the Planning 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: Departmental Revolving Funds

To see if the Town will vote to fix the maximum amount that may be spent during FY 2027 beginning July 1, 2026, for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 § 53E ½, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 8: 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 9: 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 10: 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 11: 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 12: Stormwater Construction:

To see if the Town will vote to appropriate, borrow or otherwise fund a sum of money for the construction, reconstruction, permitting and maintenance of Town's stormwater system for surface drainage, including engineering services in connection therewith, and for general Department of Public Works purposes as they relate to the Town's stormwater system, 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 13: 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.

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.

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, sewer and storm water systems,

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

ARTICLE 14: MWRA Local Water System Assistance Program, Interest Free Loan, Water Distribution Improvements.

To see is 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, and further, or take any other action

relative thereto. Sponsored by the Water and Sewer Commission.

ARTICLE 15: 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 16: 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 17: 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 18: 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 19: Collective Bargaining (Fire)

To see if the Town will, pursuant to G.L. c. 150E § 7, vote to appropriate the sums of money sufficient to fund the collective

bargaining agreement for fiscal year 2027 with the International Association of Firefighters AFL/CIO CLC Local 2043, or take any action relative thereto. Sponsored by the Select Board.

ARTICLE 20: 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 21: 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, 2026, 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 22: Available Funds Appropriate to Reduce Tax Rate

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

ARTICLE 23: 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, 2026, or take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 24: General Stabilization Fund

To see if the Town will vote to transfer a sum of money from Free Cash to fund Town's General Stabilization Account, or take any other action relative to. Sponsored by the Finance Director.

ARTICLE 25: School Buildings 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, or significant capital expenditures for the Brown, Glover, Village, Veterans Middle, Marblehead High School and the school building known as the Eveleth School and their respective school grounds, 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, by the passage of a one-time capital exclusion and/or debt exclusion or in any other manner, or take any other action relative thereto. Sponsored by the School Committee

ARTICLE 26: School Buildings Technology Needs

To see if the Town will vote to appropriate a sum of money for the purpose of making renovations, upgrades and extraordinary repairs, including all professional feasibility studies, design, architectural and engineering fees, or significant Technology expenditures for the Brown, Glover, Village, Veterans Middle, Marblehead High School, 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, by the passage of a one-time capital exclusion and/or debt exclusion or in any other manner, or take any other action relative thereto. Sponsored by the School Committee.

ARTICLE 27: School Department Capital Needs

To see if the Town will vote to appropriate or transfer from available funds a sum of money for school department capital needs, 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, by the passage of a one-time capital exclusion and/or debt exclusion or in any other manner, or take any other action relative thereto. Sponsored by the School Committee.

ARTICLE 28: School Department Supplemental Appropriation

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 fiscal year 2027, 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 29: 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 FY2027, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the Finance Director.

ARTICLE 30: Rescind Bond Authorization

To see if the Town will vote to rescind the \$1,619,627 portion of the \$54,844,767 borrowing authorization approved by the Town on May 7, 2019 (Article 51) and voted by ballot question on June

18, 2019 for the design and construction of a new Elementary School (Gerry Elementary School) that has not been used and that is no longer needed for such purpose; or to take any other action relative thereto. Sponsored by the Finance Director.

ARTICLE 31: Administrative Benefit Amendment

To see if the Town will vote to amend Chapter 43 of the bylaws 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 as follows:

Add 3 Personal Days for Administrative personnel

Accelerate the award of a 5th week of vacation

	<u>Current Schedule</u>	<u>Proposed New Schedule</u>
0 – 4 years	3 weeks	3 weeks
5 – 9 years		4 weeks
5 – 14 years	4 weeks	
10 – 19 years		5 weeks
15 – 19 years	5 weeks	
20+ years	6 weeks	6 weeks

Longevity – increase each longevity amount by \$750 per year

	<u>Current Award</u>	<u>Proposed Award</u>
Not less than 5 years	\$1,000	\$1,750
Not less than 10 years	\$1,100	\$1,850
Not less than 15 years	\$1,200	\$1,950
Not less than 20 years	\$1,300	\$2,050
Not less than 25 years	\$1,400	\$2,150
Not less than 25 years	\$1,500	\$2,250

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

ARTICLE 32: Mooring Fees in Marblehead Waters

To see if the Town will vote to amend Chapter 190, Section 190-5-C of the Town of Marblehead General Bylaws as set forth below (underline and bold new, ~~crossout~~ removed):

- C. The Harbormaster shall collect from the applicant a mooring permit fee of ~~\$10.00~~ **\$12.00** per foot for Marblehead Harbor, Little Harbor, and Dolibers Cove. All other locations in Marblehead anchorage shall be assessed ~~\$9.00~~ **\$11.00** per foot. Working commercial fishermen shall have their permit fee abated to a rate of ~~\$5.00~~ **\$7.00** per foot upon approval of the Harbormaster. Such fee shall be assessed on a per-foot basis, measured from the stem in a straight line aft to the stem of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be \$20. The mooring permit fee for a float shall also be assessed at ~~\$6.50~~ **\$12.00** per lineal foot basis of the overall length. Said fee shall be collected before a mooring permit is issued. All fees collected by the Harbormaster shall be paid to the Town of Marblehead.

All permits shall expire on the first day of February following the year of issue.

Or take any action relative thereto. Sponsored by the Harbors and Waters Board.

ARTICLE 33: Amend General Bylaws Part I, Chapter 39 – Prohibition of Cryptocurrency Automatic Teller Machines

To see if the Town will vote to amend the General Bylaws Part I to include a new Chapter 39, Prohibition of Cryptocurrency Automatic Teller Machines as follows:

Chapter 39 Prohibition on Cryptocurrency Automated Teller Machines (ATMs)

§ 39-1 Purpose and Intent

The Town, acting upon reports of the Marblehead Police Department, finds that unregulated cryptocurrency Automated Teller Machines (ATMs) pose risks to consumers, including financial fraud, money laundering, and lack of recourse for users. Virtual currency ATMs are able to convert currency into virtual currency instantaneously and irreversibly, which exposes the most vulnerable of our citizens to unnecessary risk. The Town further finds that the current absence of sufficient federal and state consumer protections and regulatory oversight for such devices necessitates a municipal prohibition to safeguard residents and preserve public safety. The purpose of this article is to prohibit the use of Cryptocurrency ATMs within the Town in an effort to protect our citizens.

§ 39-2 Definitions

For purposes of this Bylaw, the following terms shall have the meanings indicated:

(a) Cryptocurrency: A digital or virtual currency that uses cryptography for security and operates independently of a central bank, including but not limited to Bitcoin, Bitcoin Cash, Coinhub, Dash, LiteCoin, Ripple, ZCash, Ethereum, and similar blockchain-based tokens. Cryptocurrency is a digital representation of value used as a medium of exchange, a unit of account, or a store of value, but does not have legal tender status as recognized by the United States Government.

(b) Cryptocurrency Automated Teller Machine (Cryptocurrency ATM): Any self-service kiosk, machine, or device installed in a publicly accessible location that enables users to buy, sell, exchange, or transfer cryptocurrency through the machine using cash, debit card, credit card, or other means of payment.

§ 39-3 Prohibition of Cryptocurrency Automated Teller Machines

No person, business, or entity shall install, operate, maintain, or allow the installation or operation of a Cryptocurrency ATM within the geographic boundaries of the Town of Marblehead. All Cryptocurrency ATMs existing in the Town of Marblehead as of the Effective Date of this Bylaw must be removed within sixty (60) days after the Effective Date.

§ 39-4 Enforcement and Penalties

This Bylaw shall be enforced by the Marblehead Police Department, the Building Department or any other authorized designated agent of the Town Administrator.

Any person or entity found to be in violation of this bylaw shall be subject to a fine of three hundred dollars (\$300.00) per day, per device, enforceable under the non-criminal disposition pursuant to G.L. c. 40, § 21D.

Each day during which a violation continues shall constitute a separate offense.

§ 39-5 Severability

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

or to act in any other manner in relation thereto. Sponsored by the Select Board.

ARTICLE 34: Dissolve Public Works Committee (adopted 3.19.70 ATM Article 20)

To see if the Town will vote to repeal Article VII Public Works Committee Section 24-15 of the Marblehead General Bylaws, and thereby dissolve the Public Works Committee, or take any other action relative thereto. Sponsored by the Select Board.

ARTICLE 35: Amend General Bylaw, Public Works Committee

To see if the Town will vote to amend the Town of Marblehead General Bylaw Article VII, Section 24-15, Public Works Committee, as follows (underline and bold is new language and ~~cross-out~~ is removed language).

Public Works Committee

§ 24-15. Membership; officers; report; duties.

A. The Superintendents of the Sewer, Water and Sewer, of

Recreation and Park, ~~Municipal Light,~~ and of Cemetery Departments; General Manager of Municipal Light; ~~the Surveyor of Highways,~~ the Health Directors of Public Works, of Public Health and of Community Development and Planning; ~~the Town Engineer;~~ ~~the Wire Inspector,~~ ~~the Tree Warden;~~ and ~~the Building Commissioner;~~ **Fire Chief; Police Chief; and the Town Administrator,** shall constitute a Public Works Committee for the Town. The Committee shall appoint one of the members of the Committee to be Chair and may from time to time remove and replace the individual and appoint someone to act in the individual's place during that individual's absence. It shall be the Chair's duty to call and preside at the meetings of the Committee, ~~The Chair~~ and it shall file a written report to be included in the Town Report upon the activities, accomplishments, and proposals of the Committee. The Committee shall from time to time elect or designate a Secretary who shall keep minutes of the meetings and give notice of all regular and special meetings. The Committee shall meet at least ~~once~~ each month quarterly at a time and place designated by the Chair.

- B. It shall be the duty of the Committee:
- (1) To coordinate the work of ~~the~~ several departments engaged in public works for the purpose of obtaining the most efficient use of equipment and manpower;
 - (2) To make recommendations to appropriate Town officials with respect to proposed projects or plans within the public way, public property, or public buildings;**
 - (3) To make recommendations on proposed Articles to be presented at Town Meeting that involve the Public Way or Public Buildings;**
 - (4) To accept public comments regarding projects and proposals within the public way, public property, or public buildings;**
 - ~~(2) To devise uniform recordkeeping forms and procedures with reference to the use of manpower and personnel which will record the hours worked by each employee, the nature of the work done and for what department;~~
 - ~~(3) To devise uniform recordkeeping forms designed to show with respect to each vehicle or piece of equipment its utilization from day to day in terms of hours, location, project worked on, department for which used, and also to record mileage, maintenance, repairs, etc.;~~
 - ~~(4) To devise and implement so far as possible uniform personnel policies and procedures in all departments;~~
 - ~~(5) To take such steps as may be possible to bring about pooling and centralized housing, maintenance and repair of vehicles and equipment;~~

~~(6) To review and implement communication procedures to the end that citizens' needs and requests may always be known and attended to promptly;~~

~~(7) To continuously explore opportunities for joint purchasing, both among the departments engaged in public works and also with other Town departments;~~

~~(8) To coordinate requests for capital equipment appropriations and purchases and to develop joint manpower forecasts for planning and budgeting purposes;~~

~~(9)~~ (5) To make recommendations to appropriate Town officials respecting the combining or elimination of departments, the transfer of functions from one department to another or other modifications in the structure of the Town government which may lead to greater efficiency or economy in the carrying out of the public works.

Or take any other action relative thereto. Sponsored by the Public Works Committee.

ARTICLE 36: Amend Certain Bylaws Related to the Department of Public Works – Housekeeping

To see if the Town will vote to amend the Town of Marblehead Bylaws related to the Department of Public Works to ensure uniformity and accuracy, as follows (underline and bold is new language and ~~cross-out is removed language~~).

Chapter 45, Article II, §45-5. Composition.

Said Department shall be comprised of the Highway Department, the Storm Water (Storm Sewer) Department ~~the surface drain construction department~~, and the Tree Department.

Chapter 106, Article I, §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 positions 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.

Chapter 162, Article I, §162-2. Excavations.

A. No person, except the **Department of Public Works Director** ~~Highway Surveyor~~, in the lawful performance of the ~~Surveyor's~~ **Director's** duties, or those acting under the **Director's** ~~Surveyor's~~ orders, shall make or cause to be made any excavation in a public street or way, for any purpose whatever, without having first obtained written permission from the ~~Surveyor of Highways~~ **Director** acting for and in behalf of the Select Board.

B. When an excavation is made in a street for any purpose, the person or persons by whom or for whom such excavation has been made shall cause a rail or other sufficient fence to be placed so as to enclose such excavation, and the dirt, gravel or other material thrown therefrom, and such fence shall be maintained the whole time that such excavation continues.

C. Such **rail or** fence, excavation and material excavated shall be lighted by a lantern, lanterns, or other proper and sufficient light, from the beginning of twilight throughout the whole of every night, during the entire time that such excavation or construction exists.

Chapter 162, Article II, §162-7. Notice.

A. Whenever the Select Board or the **Department of Public Works Director** ~~Surveyor of Highways~~ are about to construct or repair any street or way, the surface of which is paved with block or macadam or rolled, they may, before beginning the work, give reason of such intention to the departments of the Town, to corporations liable to be affected thereby, and to all abutting owners having connections by drains or otherwise with structures in the street.

B. If any such parties have any work to be done in such public streets or ways, they shall consult and arrange with said Select Board in order that such work may be done before the surface of such way is again prepared for and opened to the public travel. After such notice and opportunity has been given, no such parties shall, for the space of three years, break up or disturb the surface of said street or way within the area so constructed and repaired, except in case of reasonable necessity.

ARTICLE 37: Limit Municipal Employment Contracts to One Calendar Year

To limit employment contracts for municipal employees, excepting union contracts, to the term of one calendar year. Existing multi-year contracts would become one year contracts upon expiration of said contract. Or take any other action relative to. Sponsored by William Kuker and others.

ARTICLE 38: Restore Elected Terms of the Select Board to One Calendar Year

To restore the elected terms of the Select Board to the duration of one calendar year, to take effect for the 2027 elections. Or take any other action relative thereto. Sponsored by William Kuker and others.

ARTICLE 39: Repeal Article 34, Department of Planning and Community Development

To repeal Article 34 as passed by 2024 Town Meeting establishing the “Department of Planning and Community Development” thereby eliminating, disbanding and de-funding said Department and all offices, positions and associations related to said Department. Or take any other action relative thereto. Sponsored by William Kuker and others.

ARTICLE 40: Resolution affirming the Town of Marblehead’s commitment to the Declaration of Independence and the Constitution

To see if the Town will adopt the following resolution: Resolution affirming the Town of Marblehead’s commitment to the Declaration of Independence and the Constitution

WHEREAS, in celebration of the 250th anniversary of our country, the Town of Marblehead recognizes the enduring importance of this nation’s founding and the principles articulated in the Declaration of Independence and the Constitution of the United State which have sustained American democracy for nearly two and a half centuries; and

WHEREAS, Constitutional principles of separation of powers, enumerated checks and balances, and the independence of the judiciary, and the protections of free speech, free assembly, and other fundamental rights are steadfast commitments essential to the well-being of our nation and the integrity of its governance; and

WHEREAS, Marblehead proudly exhibits *The Spirit of ’76* painting by Archibald Willard in Abbot Hall, which conveys not only the determination to achieve independence from tyrannical power, but also the successful conclusion of the Civil War which secured freedom and union for all; and

WHEREAS, Marblehead has a long and distinguished tradition of resisting authoritarian rule and usurpation of power on land, river, and sea, and of defending liberty through civic engagement, such as through Marblehead's Committee of Grievances established in 1772 by Messrs. Gerry, Orne, Doliber and others; and

WHEREAS the Town of Marblehead is compelled to stand against any threats and harms to these rights and principles.

NOW, THEREFOR, BE IT RESOLVED, that the Town of Marblehead hereby affirms its unwavering commitment to founding principles and documents, civic responsibility, and the rule of law protecting the rights and welfare of all its people as we honor and celebrate the 250th anniversary of the United States of America.

Or take any other action relative thereto. Sponsored by Kate Borten, Lynn Nadeau and others.

Given under our hands at Marblehead aforesaid this
25th day of February 2026.



DAN FOX, Chair



M. C. MOSES GRADER



ERIN M. NOONAN



ALEXA J. SINGER



JAMES R. ZISSON

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 17, 2026, in order that reasonable accommodations may be made.