

**IPSWICH SELECT BOARD**  
**Meeting of Monday, August 23, 2021**

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, August 23, 2021 at 7:00 PM in Meeting Room A.

Board Members present: Dr. Tammy Jones, Chair; William Whitmore, Vice Chair; Linda Alexson; Kerry Mackin; Sarah Player

Also present: Tony Marino, Town Manager; Eileen Page, Recording Secretary

With a quorum present, Dr. Jones called the meeting to order at 7:01 PM.

**Welcome/Announcements**

The Public Safety Facility Committee will meet on August 24 at 7 PM at Town Hall.

Representative Brad Hill will be stepping down to serve on the State Gaming Commission after a 23-year tenure.

COVID-19 vaccines are available at Our Lady of Hope Church on Mondays from 1 PM to 4 PM.

**Citizen Queries**

None.

**Board and Committee Appointments**

- I. Keith Anderson - New Appointment - Public Safety Building Reuse Task Force

Several openings remain on the newly formed Task Force. Residents who are also members of the local business community, historical interest group and museums, various garden clubs are encouraged to apply. The Task Force will also have representatives from the Planning Board, Finance Committee, Select Board, School Committee, and Affordable Housing Trust Board.

- *Vote: Mr. Whitmore moved to appoint Keith Anderson to the Public Safety Building Reuse Task Force. Ms. Mackin seconded. The motion carried unanimously.*

**Vote Special Municipal Employee List**

Ms. Alexson asked who monitors the annual Ethics and Conflict of Interest training that all municipal employees must complete. Mr. Marino responded that Leah Niska (Executive Assistant to the Town Manager and Select Board) logs the completed trainings.

Gary Champion (3 Palomino Way) stated that Select Board members do not qualify as Special Municipal Employees because they receive a stipend. Mr. Marino disagreed, noting that School Committee members, the Town Moderator, and Special Police Officers are considered Special Municipal Employees, and all receive payment for service.

- *Vote: Mr. Whitmore moved to approve the Special Municipal Employee list. Ms. Alexson seconded. The motion carried unanimously.*

**Consent Agenda**

- I. One Day Wine and Malt License Applications
  - a. Gary Rogers of True North Ale Co.; Rick Rousseau of Mill River Winery; Keith Hardin of Far From the Tree LLC for August 5, 2021 licenses for Castle Hill event previously approved on June 7, 2021. Move licenses to event date August 28, 2021.
  - b. Dan Clapp of 1634 Meadery for Concert at Castle on September 9, 2021
  - c. Alexis Harwood of Helen's Bottle Shop for Pizza at Appleton Farms on August 27, 2021

- d. Robert Hughes of Notch Brewing, Craft Beer and Cider at Castle Hill on September 12 and 19, 2021
- e. Jennifer Sanford of Jennifer Sanford Event Management for a wedding at Appleton Farms on August 28, 2021

➤ *Vote: Ms. Alexson moved to approve the Consent Agenda. Ms. Player seconded. The motion carried unanimously.*

### **Approval of Minutes**

- I. July 19, 2021
- II. August 2, 2021
- III. August 9, 2021

➤ *Vote: Ms. Alexson moved to approve the minutes. Mr. Whitmore seconded. The motion carried unanimously.*

### **New Business**

#### **SPECIAL TOWN MEETING**

Dr. Jones asked for a motion to reschedule the upcoming Special Town Meeting to Saturday, October 16, 2021, to take place on the football field at Ipswich Middle/High School in anticipation of a potential spike in COVID-19 cases.

➤ *Vote: Ms. Alexson moved to reschedule the Special Town Meeting to Saturday, October 16, 2021 at 9 AM. Ms. Mackin seconded. The motion carried unanimously.*

➤ *Vote: Ms. Alexson moved to authorize a Special Town Meeting rain date of Sunday, October 17, 2021. Mr. Whitmore seconded. The motion carried unanimously.*

#### **NOISE COMPLAINTS**

Ms. Mackin stated that she has received messages complaining about noise levels at the Hellenic Center. Mr. Marino responded that he will be meeting with the manager of the Hellenic Center to discuss the complaints.

#### **PUBLIC HEARING: Change of Beneficiary and Change of Officer, Cumberland Farms**

➤ *Vote: Ms. Alexson moved to open the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously.*

“Residents of the Town of Ipswich, please note that the Select Board will conduct a Public Hearing on Monday, August 23, 2021, at 7:15 PM in Meeting Room A at Ipswich Town Hall, 25 Green Street, on a Change of Beneficial Interest and Change of Officer application for the annual package store wine and malt alcoholic beverage license of Cumberland Farms of Massachusetts #6681 d/b/a Cumberland Farms 6681, 66 Turnpike Road, Ipswich, MA. The application is available for review in the Select Board/Town Manager office.” - Dr. Tammy Jones, Select Board, Chair

Attorney Joe Devlin (offices at 112 Water Street in Boston and 171 High Street in Newburyport) stated that a parent company has purchased Cumberland Farms, and as such, the licensing requires a change of officer.

Ms. Alexson asked if the change would affect the Central Street location as well. Mr. Devlin responded that both locations have been purchased, but only the Turnpike Road storefront required a special license.

There were no public comments.

➤ *Vote: Ms. Mackin moved to close the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously.*

- *Vote: Mr. Whitmore moved to approve the change of beneficiary and change of officer as written. Ms. Mackin seconded. The motion carried unanimously.*

### **PUBLIC HEARING: Special Town Meeting Warrant; Sign Warrant**

“Residents of the town of Ipswich, please note the Select Board will conduct a Public Hearing on Monday, August 23, 2021 at 7:20 PM in Meeting Room A of Town Hall, 25 Green Street, relative to the warrant for the Special Town Meeting to be held on Tuesday, October 19, 2021.” - Dr. Tammy Jones, Select Board, Chair

- *Vote: Ms. Alexson moved to open the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously.*

### **ARTICLE 1: Amend Town Budget (State Aid)**

Submitted by: Select Board

Summary: The state budget has been finalized, and the Town will receive additional Local Aid. This appropriation will be used to offset unanticipated expenses during FY2022. This sum includes the State's 75% reimbursement to the Town for veterans' benefits in FY2020, as well as a general government aid. These funds go back into the Management Transfer account, which then covers unforeseen shortages in veteran's benefits or other town budgets each year. This article requires a simple majority vote.

Mr. Marino informed the Board that they would have the exact numbers for State Aid by September 7.

### **ARTICLE 2: Amend School Budget (State Aid)**

Submitted by: School Committee

Summary: The state budget has been finalized, and the Town will receive additional Local Aid. This appropriation will be used to offset unanticipated expenses during FY2022. This sum includes the State's 75% reimbursement to the Town for veterans' benefits in FY2020, as well as a general government aid. These funds go back into the Management Transfer account, which then covers unforeseen shortages in veteran's benefits or other town budgets each year. This article requires a simple majority vote.

### **ARTICLE 3: Amend General Bylaws - Chapter 35, Add Government Study Committee**

Submitted by: Select Board

Summary: This article recognizes the Government Study Committee in the General Bylaws and sets parameters for membership and guidelines for charter and bylaw review and how often it should be accomplished. The Government Study Committee is a valuable group in town and adding them to the General Bylaws will clearly define their mission and committee makeup.

Ms. Alexson suggested that the article specify that an annual report would be given at the Annual Town Meeting in the springtime. Ms. Alexson asked what the process would be for the Government Study Committee to make recommendations to the Town Meeting. Dr. Jones responded that recommendations would be voted on either by a motion at Town Meeting, or at the request of the Select Board.

Gary Champion (3 Palomino Way) stated that he has been on the Government Study Committee for five (5) years, and that the Select Board should not have control or supervision over the Committee. He believes that the Select Board relies too heavily on Town Counsel, and that he believes Town Counsel is incorrect in their legal advice. Mr. Champion stated that the article is politically misguided, unnecessary, and with no benefit to the Town.

Craig Saline (13 Plum Sound) stated that he has been on the Government Study Committee for eight (8) years, and believes the article is a well-intentioned effort by the Select Board to clarify the role of the Committee in Town government. He cited his only area of concern that the 12-month timeline for providing recommendations as unrealistic, and suggested that the language be changed to “by the end of the calendar year.” He also noted that he and Mr. Champion do not agree on the role of the Government Study Committee – Mr. Saline believes that the Committee should serve at the pleasure of the Town, and stated that Mr. Champion believes it should function as a “watchdog committee.”

Dr. Jones stated that the article was proposed to more clearly define the Government Study Committee, and noted that it is in fact an advisory committee to the Select Board.

ARTICLE 4: Amend General Bylaws – Chapter 113, Architectural Preservation District, Section 113-3 Definition

Submitted by: Architectural Preservation District Commission

Summary: This article would make changes to the Definitions section of the APD Bylaw. It would: 1) Reduce the gross floor area that is defined as a Substantial Addition from 1000 sq. ft. to 500 sq. ft. and from 30% to 25%. 2) Reduce the percentage of the assessed value of a structure that defines a Substantial Exterior Alteration. The Architectural Preservation District Commission and the Historical Commission jointly propose this change so as to strengthen and more effectively implement the purposes of the APD bylaw, which includes: “Preserving and protecting groups of historically and/or architecturally significant buildings and the characteristics of their neighborhoods that are important to the Town's architectural, cultural, economic, political and/or social history; ... and limiting the detrimental effect of alterations, additions, demolitions and new construction on the character of such buildings and their neighborhood settings...”

Kristen Grubbs (Town Planner) stated that the essence of this bylaw passed four (4) years ago, and amendments were being brought forward for the town to consider. However, the APDC met this afternoon, and asked for it to be withdrawn and postponed.

ARTICLE 5: Open Space Land Taking for Water Supply Protection Purposes – Symes Property

Submitted by: Select Board as Water Commissioners

Summary: In accordance with the agreement that the Select Board and Symes Development signed in 2018, this article will allow the Select Board to acquire 44.714 acres of land at no cost to the town. The land will be under the control of the Water Department and the Select Board in their role as Water Commissioners so we can keep the land for Water Supply Protection Purposes.

Mr. Marino stated that Article 5 arose out of the agreement made that Symes would donate 44.7 acres of land at their development on Linebrook Road for conservation purposes.

Dr. Jones asked about the status of the walking trail on the property. Mr. Marino reported that it is partially cut.

Carolyn Britt (1 Shagbark Woods) stated that she was at a Board of Health meeting in which it was discovered that there is a nitrogen easement on the Symes property. She asked for confirmation that the nitrogen easement would not exist on agricultural land. Mr. Marino confirmed this, and added that a monitoring well will be installed as well.

ARTICLE 6: Amend Zoning Bylaws – Section VI, Footnote 11, Footnotes to the Table of Density & Dimensional Regulations

Submitted by: Planning Board

ARTICLE 7: Amend Zoning Bylaws – Revisions to Section IX.S & Section IX.P – Infill Housing and Accessory Building Conversation

Submitted by: Planning Board

ARTICLE 8: Amend Zoning Bylaws – Section V. Table of Use Regulations – Revisions to Affordable Housing Incentives

Submitted by: Planning Board

Ms. Grubbs reported that Ipswich’s aging population relative to averages across Essex County is significantly higher, and a lack of housing options has driven down the young adult population. She stated that there is currently a \$171,000 income gap between the median income and median sale price of a single family home in Ipswich.

Ms. Britt stated that together, Articles 6, 7, and 8 will restrict development density, encouraging the development of smaller homes that are more likely to be affordable, and tighten restrictions on payment-in-lieu allowances.

ARTICLE 9: Amend General Bylaws – Chapter 193, Update Stormwater Management Bylaw

Submitted by: Department of Public Works

Summary: On April 4, 2016, EPA issued a final NPDES general permit for discharges of stormwater from small municipal separate storm sewer systems (MS4s) in Massachusetts under the Clean Water Act. This general permit became effective in 2018 and was updated in 2020. One of the many components of this new permit requires that municipalities strengthen their post-construction stormwater management standards for new and re-development projects by updating their existing ordinances, bylaws or other regulatory mechanisms. In particular, the permit requires that the regulatory mechanism include (among other requirements):

- Provisions that require Low Impact Development site planning and design strategies.
- The requirement that the design of stormwater management systems be consistent with, or more stringent than the Massachusetts Stormwater Handbook.
- Requirements that stormwater management systems on new development and redevelopment projects meet minimum average annual pollutant removal rates.

To assist communities in updating their bylaws or ordinances to meet the new permit requirements, two regional associations, the Neponset River Watershed Association and the Northern Middlesex Stormwater Collaborative worked with communities within their regions to develop tools, including bylaw templates, to assist communities in updating their bylaws. Both the EPA and DEP endorsed the use of these templates to ensure compliance with the permit requirements. To develop the proposed new Stormwater Bylaw for Ipswich, both of the proposed templates were used for reference with slight modifications proposed to tailor the bylaw to Ipswich. In general, the permitting procedures are consistent with those required by the current stormwater bylaw, but the new version includes provisions necessary to meet the permit requirements, including those bulleted above. The proposed new bylaw meets the requirements of the 2016 MS4 General permit and adopting the new bylaw would ensure that the Town is compliant with the EPA's 2016 MS4 permit.

Frank Ventimiglia (Director of Operations) reported that the Town created a working group to draft the bylaw, made up of himself, Rick Clarke (Director of Public Works), Ms. Grubbs, Brendan Lynch (Conservation Agent), and Wayne Castonguay (Ipswich River Watershed Association).

#### ARTICLE 10: Adoption of the 2021-2036 Community Development Plan (CDP)

Submitted by: Planning Board

Summary: In early 2019, a Community Development Plan (CDP) Steering Committee was appointed and convened to guide the process to update components of the Town's 2008 CDP and develop a new 2021-2036 Plan. The Town hired JM Goldson, LLC consultants to help with a Needs Assessment in 2019, and in 2020 to work with the community to identify goals and strategies to achieve the community's 15-year vision. The Planning Board and Steering Committee have been presenting the final plan to town boards, committees, and community partners over the past few months and are now bringing the plan to Town Meeting for adoption. Next steps will be to work with all partners in the community to develop and refine an implementation plan.

Ms. Grubbs represented the Community Development Plan Steering Committee and Planning Board. She stated that the final draft of the CDP was finished in April, and the article presented asks the Town to vote in support of considering the CDP when taking actions relative to land use, in whole or in part.

Gary Champion (3 Palomino Way) stated that a CDP bylaw was raised by opponents to a single school during debate regarding elementary school infrastructure, and asked how this CDP would prevent that in the future. Mr. Whitmore responded that the CDP is a visionary document, and is not a binding bylaw.

#### ARTICLE 11: Public Safety Building Appropriation for Design and Construction Costs

Submitted by: Select Board

Summary: This article seeks funding to design and build a much-needed facility to adequately house all public safety departments and provide a safe and structurally sound building for staff, vehicles and equipment, and the community. The Public Safety Facility Committee has worked diligently for several years to conduct a comprehensive feasibility study for these departments and to explore all options based on current and anticipated future programming needs and responsibilities based on the results of that study. At the October 2020 Special Town Meeting, the town acknowledged this vital need and indicated its support for a new combined facility with the first step of approving the land purchase on Pineswamp Road that will ensure the best emergency response times to all areas of town. However, the town opted not to approve the funding for building design at that time, preferring instead to know the total project cost, including design and construction. The \$27,500,000 requested in this article is the maximum amount to be expended on this project. Replacement of our current public safety facilities is long

overdue and critical to the safety and well-being of every Ipswich resident, as well as those who work and visit here. This project is a top priority in the recent Strategic Planning Working Group's report, and is supported by the Select Board, the Finance Committee and the School Committee.

Dr. Jones reported that at the Tri-Board meeting, the School Committee and Select Board voted unanimously to support Article 11, and the Finance Committee voted 6-2 to support it.

Robert Weatherall (Public Safety Facility Committee) stated that the \$27 million requested reflects the full funding needed to bring the Facility from conceptual design to full occupancy. He added that the Committee will be holding public information sessions on the project: September 7, 7 PM at the Congregational Church; September 15, 10 AM at the Council on Aging; September 21 at 7 PM at Our Lady of Hope Church; and October 5 simultaneously at Caroline Avenue and Agawam Village. In addition, open houses of the current police and fire stations will be held during Illumination.

- *Vote: Ms. Alexson moved to close the Public Hearing. Ms. Mackin seconded. The motion carried unanimously.*

#### **Commercial Shellfish Weight Limits – Daily Harvest**

Police Chief Paul Nikas asked the Board to extend the temporary daily harvest limit of three-hundred (300) pounds of softshell clams through October 1, 2022. This recommendation was formed due to forced Red Tide and rainfall closures of the beds. Chief Nikas reported no decrease in the quality or quantity of clams, and that the market price is currently over \$4.00 per pound. He stated that this approval is vital to the livelihood of clambers.

- *Vote: Mr. Whitmore moved to approve the daily limit of 300 pounds be extended through October 1, 2022. Ms. Player seconded. The motion carried unanimously.*

#### **Review of Fox Creek Tavern Entertainment License**

The Select Board previously approved an outdoor entertainment license at Fox Creek Tavern for 5 PM to 8 PM Friday and Saturday, and 10 AM to 1 PM Saturday and Sunday.

Chief Nikas reported that there were no noise complaints logged with the Ipswich Police. The police made four (4) calls to the restaurant this summer: two (2) medical aids, one (1) report of a dog locked in a car, and one (1) vehicle check.

Ryan Cox (Owner, Fox Creek Tavern) stated that the restaurant is trying to utilize local acoustic musicians, and added that they have only featured music on Sunday afternoons.

Ms. Alexson asked if there had been any complaints from neighbors. Katherine Michaels (General Manager, Fox Creek) stated that they received one (1) call during a sound check, but corrected the issue immediately.

Mr. Marino stated that he has received a few complaints via email from abutters, who also asked whether Sunday entertainment violated any Blue Laws.

Dr. Jones added that she received a letter from an abutter stating they did not have any issue with the noise.

- *Vote: Ms. Mackin moved to continue the outdoor entertainment license through October 31, 2021. Mr. Whitmore seconded. The motion carried unanimously.*

#### **Cycle Safe Task Force Update**

Brian Hone (29 Upper River Road) represented the Cycle Safe Task Force. Mr. Hone proposed that a Design Review Board meet as needed to conduct safety reviews with the Planning Board and ZBA relative to recreational and pedestrian access during street work. He suggested utilizing grant monies available, noting that Manchester-by-the-Sea recently received a \$1 million grant for related infrastructure. He suggested that the Committee be made up of five (5) citizens, each with a three (3) year term.

Ms. Alexson asked for clarification that this would not be a regulatory board. Mr. Hone confirmed this, stating that it would function as an advisory board to the ZBA when appropriate, such as during roadwork on Jeffreys Neck Road.

Mr. Whitmore expressed support for an advisory group, stating that it would give Town departments a legitimate group to refer to.

- *Vote: Ms. Mackin moved to create a Bicycle and Pedestrian Advisory Board, made up of five members, with three-year standard terms, two members of which would serve four-years in their first term for purposes of continuity. Mr. Whitmore seconded. The motion carried unanimously.*

## **Town Manager Report**

### **FILM PRODUCTION**

Production for *Salem's Lot* will begin downtown and in the police station around October 1, and conclude around the end of the month. Production is expected to be confined to South Main Street, and the crew has been informed that they will need to work around Illumination.

### **PERSONNEL CHANGES**

Interviews for the position of Fire Chief finished today. Mr. Marino, Mary Gallivan (Director of Human Resources) and Deputy/Acting Chief Lee Prentiss will meet to make a final decision by the end of next week.

David Feldman has been appointed to the Board of Assessors. Mr. Feldman has been a member of the Open Space Committee for several years, and replaces John Moberger, who has retired after forty (40) years of service.

### **BOILERS**

Chris Rais (Facilities Director) and Chub Whitten (Chair, School Committee) have reported that ground source boilers were recommended as replacements at the Middle/High School.

### **UPCOMING MEETINGS**

The Strategic Planning Working Group will meet on Thursday, August 26.

### **Old Business**

None.

### **Select Board Member Subcommittee Updates**

#### **EASTERN ESSEX DISTRICT VETERANS BOARD**

Kathy Collins (Assistant to the VSO) has left the District to take a new position with the Marblehead Housing Authority. The Board will convene in the next few weeks to discuss filling the position in a part-time capacity.

The Shellfish Advisory committee met on August 3. The State has approved a \$100,000 grant for Great Marsh restoration, and Ipswich is slated to receive a portion of the grant for green crab trapping. The next meeting will be October 13.

#### **WATER & WASTEWATER SUBCOMMITTEE**

The Water and Wastewater Subcommittee met on August 12. Jar testing will begin shortly at Brown's Well. The Water Department is currently offering rebates for home conservation measures such as rain barrel installation. The next meeting will be September 13 at 7 PM.

#### **CLIMATE RESILIENCY COMMITTEE**

The Climate Resiliency Committee will meet via Zoom on August 24 at 6:30 PM.

### **Miscellaneous and Correspondence**

Ms. Alexson asked if a date had been chosen for a public forum to discuss regionalizing 911 dispatch. Mr. Marino stated that a Public Hearing is planned for September 20.

➤ *Vote: Ms. Mackin moved to adjourn. Ms. Player seconded. The motion carried unanimously.*  
The Select Board adjourned at 10:08 PM.

*Respectfully submitted by Eileen G. Page*  
09.22.2021