

TOWN OF IPSWICH  
Select Board Meeting as Water Commissioners  
Monday, June 12, 2023, at 6:30 PM  
Ipswich Town Hall, Meeting Room A  
25 Green St. Ipswich, MA

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, a written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, June 12, 2023, at Town Hall, 25 Green Street.

Select Board members present: Sarah Player (Chair), Linda Alexson (Vice Chair), Carl Nysten, Charles Surpitski, Michael Dougherty

Also Present: Stephen Crane (Town Manager), Jon Blair (ELD Manager)

**Motion for Executive Session (M.G.L. c. 30A, sec. 21(a))**

Linda Alexson moved to convene in executive session pursuant to Massachusetts General Laws chapter 30A section 21(a) for the following purposes:

To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body relating to Wind 2 Turbine.

Sarah Player seconded. Motion passed unanimously by roll call vote.

The Board returned to Open Session. Sarah Player called the meeting to order at 7:00 PM.

**2. Pledge of Allegiance**

**3. Reorganization of the Board**

- Linda moved to appoint Sarah Player as Chair for the upcoming year, seconded by Carl.  
→ *Motion passed unanimously, 5-0*
- Charles moved to appoint Linda Alexson as Vice Chair, seconded by Michael.  
→ *Motion passed unanimously, 5-0*

**4. Welcome/Announcements – S. Player**

- Colleen Fermon, Director of Public Health, has been honored for her contributions in environmental health. She received the Dr. Joseph Goldfarb Award from the MA Environmental Health Association.
- Peter Pinciario of the Trustees of the Reservations was granted the award of Small Business Person of the Year in Ipswich. There will be an event honoring his nomination at Crane's Castle on the 15<sup>th</sup> at 10:30 AM.
- Linda thanked the Veterans groups who organized the Memorial Day Assembly and said it was a great event and very well attended.
- The Shellfish Subcommittee meets tomorrow night at 7PM in Room A.
- The ELD Subcommittee meets on Wednesday, June 14<sup>th</sup> at 7PM at the Ipswich Housing Authority.
- The ZBA meeting is Thursday night at 7:30, the Public Safety Building Committee will be there as well.

## 5. Citizen Queries – S. Player

- KelleyJane Kloub, 65 Mitchell Road, asked when the resident-only signs will be put up at Pavilion Beach. Chief Nikas said there is a sign there now, he doesn't know about the larger sign because his department is not responsible for putting that up. KelleyJane asked for an update on the windmill. Sarah said they don't have an update at this time but they are working on it.
- Charles asked if we had given any thought to making the street parking resident-only near Pavilion Beach. Stephen said that would be a bylaw change. Charles asked if it would be worth pursuing. Chief Nikas said he hasn't heard any complaints about people parking there and walking down, but it would be an easy change and we can check into it. Sarah said they will put it on an agenda.
- KelleyJane said the river around the pump station is completely blocked by a fallen tree and people are unable to paddle around it.
- KelleyJane mentioned that there are often large vans that park in the handicapped parking space at the Clam Box. The vans stick out into the road and create an unsafe situation for cars passing by. She suggested having the space moved or only allowing smaller vehicles. Stephen said he would look into it.
- KelleyJane also asked about the status of the new Town Planner, Stephen said they have advertised for it, interviewed for it, and they are continuing to work on it. It has been a long process.
- Torii Bottomley, 60 Central Street, asked for an update about parking at Pavilion Beach and also asked for an update on boating and fishing in the swimming area. Chief Nikas said the previous board made it resident parking for weekends and holidays only and signs have been posted for that. Regarding boating, it is a matter of enforcing it and by the time they get there, the boats are gone. It would be helpful to get the hull number so they can reach out to educate. Torii also suggested they block off the sides. Linda said clamming is allowed in that area, and wondered if fishing is allowed there as well.
- Marlene Markos, 20 Damon Avenue, asked about the County St. Bridge and said she knows they are waiting for funding to begin repairs, but in the meantime, there are big concrete barriers in the way which was creating traffic issues. She asked why they can't remove the barriers until they plan to begin work. Sarah said the bridge was deemed unsafe for two lanes of traffic which is why the barriers were placed there, and that was a requirement set by the state. The design work was approved in the 2024 budget. They are talking to MA DOT about the project and will start designing it later this summer. Repairs will be made fall of 2024 at best.
- Marlene asked about the MBTA and density/state mandates regarding restricting density. She asked what funding will be withheld if Ipswich doesn't comply. Sarah said the town has a 3A task force working on solving this. They have had a few public forums and a coffee conversation. They have applied for grants to support the work around the 3A task force. Sarah said she is happy to provide Marlene with the information they have so far. The task force is charged with complying with the state laws, not with trying to work around the laws. They do not have a choice to not comply, the state will engage with legal action. Sarah said they anticipate a lot more work on public forums on this over the next few months.
- Marlene also asked about the removal of the dam and asked if there are going to be public forums for input regarding the actual removal of the dam. She asked if it is a possibility for it to be a ballot vote on whether or not to remove the dam. Sarah said it's not a done deal but she does not anticipate it being on a ballot. Michael said he agrees the article at Town Meeting was misleading and he can foresee they would get public input and have many discussions on this as a Board. Charles said his understanding of what they voted on was to study the efforts and their effects. Once the parameters of the issue are fully studied, there will be discussions about whether or not the dam will be removed. Linda said she would encourage more public discussion about this. Carl said he shares Sarah's concern that we are discussing a matter that is not on the agenda and that is disadvantageous to other people in town that may want to be a part of this discussion.

## 6. Boards and Committees – S. Player

1. James Kelley and Lawrence Pszenny, Reappointments Audit Committee
2. Nancy Warner, Reappointment Council on Aging
3. Anthony Giannelli, Reappointment Waterways Advisory Committee
4. Cynthia August, Reappointment Ipswich Cultural Council
5. Susie Green and Jennifer Norton, Reappointment Library Board of Trustees
6. David Benedix, Reappointment Waste Reduction Advisory Committee
7. Peter Soffron, Reappointment Shellfish Advisory Committee
8. Robert Gambale, Reappointment Zoning Board of Appeals

a. Bob Gambale, Island Park Rd, asked for clarification on the meeting packet document which states his term would expire in 2026. Full members are 5-year terms which would mean his term would end in 2028. He also announced that for the first time in 13 years, the Zoning Board now has a full complement of members.

- Motion to approve made by Charles, seconded by Linda

→ *Motion passed unanimously, 5-0*

- Carl suggested some possible changes for the online application for reappointment. It would be nice to add the question of “why”. It would also be helpful to understand the committee in its entirety when considering one member. The mission or charge of the committee and the requirements for membership, as well as the body of all members and their terms could be included. Sarah said they have been discussing the charge of subcommittees and would like to tackle that at an upcoming meeting.
- Linda announced there is an opening on the Shellfish Subcommittee for a commercial permit holder.
- Michael said there is an opening on the Finance Committee and asked Stephen if they have received any interest from candidates. Stephen said he isn’t sure yet.

## 7. New Annual 2023 Weekday Entertainment License Application, Gary Rogers for True North Ale Company, 116 County Road – S. Player

Jake Rogers, 15 Arrowhead Trail, and Gary Rogers, both owners of True North Ale, are applying for a weekday entertainment license for outdoors from 11 am-9 pm. Linda asked if they anticipate having entertainment in more than one tent at a time since it’s 3 tents. Gary said it’s three tents but one space, but it also turns the corner.

- Motion to approve the application made by Michael seconded by Charles

→ *Motion passed unanimously, 5-0*

## 8. One Day Sunday Entertainment License Application, Jamie Klopotski for Mercury Brewing & Distribution Company Inc. dba Ipswich Ale Brewery Pub at 2 Brewery Place on June 25, 2023 – S. Player

Jamie has filed a completed application for a one-day Sunday Entertainment License for June 25, 2023 for the “Good in the Hood” Block Party event.

- Motion to approve the request made by Linda, seconded by Charlie

→ *Motion passed unanimously, 5-0*

## **9. Outdoor Entertainment Discussion – S. Player**

Charlie said his home is in proximity to one of the outdoor entertainment venues in discussion, he is going to recuse himself from the discussion as a member of the Select Board, but would like to reserve his right to comment as a private citizen.

Stephen said there is already a policy and suggested they amend the existing policy to align more closely with the draft policy that was presented. He asked the board if they would like to do this, or would prefer to not change the policy at all. If the Board agrees with amending the policy, they can come back to the Board with some changes to the application. Things that would be good to address would be issues regarding time because time is not referenced in the existing policy. Regarding noise, amplification and bass have been recurring problems so focusing on the use of bass and ensuring that DJs and bands clearly understand expectations, would be good to outline in the policy.

Tim Driscoll, 31 Upper River Road, said it's not even so much about the time as it is the noise level.

Torii Bottomley said Heart and Soul Café had a wonderful outdoor music series, and because it became so difficult to navigate the requirements they decided not to do it this year. There is a large community of musicians looking for work, and music downtown helps with the revitalization of downtown. This needs to be considered when amending the policy.

Jake Rogers, 15 Arrowhead Trail, suggested if they are looking at the entire permitting policy, they could follow the state's lead and take away the special Sunday rules, and merge everything into one comprehensive policy and permitting.

Maureen Vacca, 14 Upper River Road, said she agrees that noise has to be controlled. There are times even in the afternoon, the music she is hearing from across the street is louder than the speakers on her patio. Whether its 2 in the afternoon or 10 at night, Maureen said she likes to sit out back at her picnic table and can't even sit and have a conversation. She can hear the music when she is trying to sleep at 11pm. Maureen said she thinks they need to get a legal opinion on the noise level.

Maria Traverso Hebbel, 126 Country Road, said the music doesn't bother her. She finds it joyful because it's celebrations.

Marlene Markos, 20 Damon Ave., said there should also be something in the policy about the decibel levels.

## **10. Discuss/Vote Temporary Summer Sunday Opening of Recreational Clam Flat, Richard's Grounds – S. Player**

Chief Nikas said this action would take place immediately and would allow for Sunday recreational clam digging. Sunday closure was originally put into place so commercial diggers get a day off and also to give the clam flats a break, but this limits recreational diggers to only one weekend day a week since most people work on weekdays.

- Linda moved to approve the Sunday opening of the recreational flat known as Richard's Ground immediately until September 30. Seconded by Michael.
- Carl asked if there is any plan to make this happen each year automatically instead of having to redo it each summer. Linda said it's good to revisit it each year because it allows them to decide based on the health of the clam beds.

→ *Motion passed unanimously, 5-0*

## **11. Annual Town Meeting Update on Article 20 Water Department Infrastructure Improvements – S. Player**

Stephen said they learned from Bond Counsel that the motion to approve the \$2.5M in water funds for the work to be done at Dow Dam included the reference to the Bamford Bylaw which requires a ballot vote, but it should not have included this. Bond Counsel could not approve the borrowing because there was no ballot vote. The only remedy is to call a Special Town Meeting or to wait and vote on this again in the fall. Linda asked if this delay has an effect on the project and the costs, it does. Vicki Halmen, Water and Wastewater Director, said she is meeting with the project team tomorrow night to discuss ramifications. They also applied for a \$1M grant so if they get that, they will have to review the guidelines for the grant to see if it will still be available.

## **12. 145 High Street Proposed Project Application – S. Player**

Vicki Halmen, Water and Wastewater Director, along with Emily Sadoway, Water and Wastewater Engineer, discussed the 145 High Street Application. It is entirely within the water protection district Zone 2 and is increasing the imperviousness of the lot to just below 20%. The Water Department reviewed the plans and prepared a memo to the Planning Board and Subcommittee. The Subcommittee met twice to review the project and voted to recommend the Water Commissioners support this project because the design of the project mitigates the concerns. They are also requiring third party construction oversight to make sure it is built as designed. Emily said they reviewed the project in December and generated a memo for the Planning Board and Subcommittee to reflect the concerns they had. The concerns were for increasing the impervious area as well as the large change in the grading which would divert the current storm water flow toward High Street. They were also concerned with the increase of contaminants entering the water supply due to nine new parking spaces. The applicant and the engineer revised plans based on concerns.

Linda asked how many units are being proposed, it's four. Linda said it seems like some of the concerns have not been satisfied and stated concern as to why we are permitting an increase of units in a water protection zone. Vicki said that this is the best compromise that they can expect while meeting the intent of the bylaw. Charlie asked if the bylaw should be amended, Vicki said she and Glen have discussed that.

Jim Engel, 362 Linebrook Rd, Chair of the Water Subcommittee, said there are two elements of this that need some elaboration. The first is the 2ft. vs 3 ft. separation between the base infiltration system and the ground water, and the second is the percentage of impervious surface. This project, although denser in regards to units, actually improves the property in terms of what we're trying to do with protecting the quality and quantity of the resource area of the well. Michael said he supports this because this is also helping with the town's issue of housing. Stephen said he agrees with Michael and they also plan to add to the affordable housing trust fund.

- Motion to authorize the chair to send a letter to the Planning Board recommending the project at 145 High Street as designed and approved by the subcommittee with mandatory third party inspection approval, made by Michael, seconded by Charlie.

→ *Motion passed unanimously, 5-0*

## **13. Planning for Select Board Goal Setting – S. Player**

Sarah said the previous board had an initial goal setting meeting but they were hopeful that the new Board could finish the goal setting process and do some team building and norm building.

## **14. Select Board Summer Meeting Calendar – S. Player**

Sarah went over the upcoming meetings. June 20<sup>th</sup>, July 10<sup>th</sup>, July 24<sup>th</sup>, July 24<sup>th</sup>, August 7<sup>th</sup>, August 21<sup>st</sup>, September 5<sup>th</sup>, and September 18<sup>th</sup>. June 24<sup>th</sup> and August 7<sup>th</sup> Charlie will be out of town but can log on remotely. August 7<sup>th</sup> Stephen will be out and cannot log on remotely.

## 15. Consent Agenda – S. Player

Sarah read the proclamation.

### a. One Day All Alcohol Liquor License Application(s) –

i. Jessica Porter for Appleton Farms for Summer Solstice Cocktail Party at 219 County Road on June 24, 2023.

### b. One Day Wine and Malt Liquor License Application(s) –

- i. Bea Tiberii of Monarch and Rose Foods Inc. for Good in the Hood at Ipswich Ale Brewery, 2 Brewery Place on June 25, 2023 and for Music Night at 1 N. Main Street on June 27, 2023.
  - ii. Rick Rousseau of Mill River Winery for Public Concerts at Castle Hill on the Crane Estate, 290 Argilla Rd. on August 5 and 6, 2023, June 29, July 6, 13, 20, 27, August 3, 10, 17, 24, 31, 2023, September 24, 2023, and October 15, 2023.
  - iii. Elizabeth Donhauser of Essex County Brewing Co. for Wood Fired Pizza Events at Appleton Farms, County Road on July 1, 8, 15, 22, and 29, 2023, August 5, 12, 19, 26, 2023.
  - iv. Dan Clapp for 1634 Meadery for Summer Solstice Party, Appleton Farms, 219 County Road on Jun 24, 2023, Good in the Hood at Ipswich Ale Brewery, 2 Brewery Place on June 25, 2023, and Castle Hill Concerts, 290 Argilla Road June 29, July 6, 13, 20, 27, and August 3, 10, 17, 24, and 31, 2023 and Roaring Twenties Lawn Party at Castle Hill, 290 Argilla Road on August 5 and 6, 2023.
  - v. Jamie Klopotski of Mercury Brewing & Distribution Company dba Ipswich Ale Brewery for Good in the Hood at 2 Brewery Place on June 25, 2023.
- Motion to approve the consent agenda as presented in the packet, along with the proclamation for Mr. Pinciario made by Linda, seconded by Michael.

→ *Motion passed unanimously, 5-0*

## 13. Approval of Minutes – S. Player

1. May 1, 2023
2. May 15, 2023
3. June 1, 2023

- On the June 1<sup>st</sup> minutes, Carl's name is misspelled.
- Motion to approve minutes from May 1, 2023, May 15, 2023, and June 1, 2023 made by Linda, seconded by Michael
- Linda said when the minutes are drafted, the practice has been for the minutes secretary to send to Linda to look for typographical errors, Linda returns the minutes, and then they are sent to Leah. Michael said for FinCom, the notes were sent to both the chair and the FinCom member editing. The board decided to keep things as is.

→ *Motion passed unanimously, 5-0*

## 14. Town Manager Report – S. Crane

- Stephen said he is working with the departments to get their schedules for July 4<sup>th</sup>. Town Hall will be open, but not every department will be.

- A resident who raised money through the Boston Marathon for Impact Melanoma raised money to pay for sunscreen dispensers around town.
- The town will receive \$435k over a number of years from two of the opioid settlement funds. Stephen met with Ipswich Aware and One Stop to discuss what they can do if we pool resources between towns. One Stop is developing a proposal for the towns to pool their funds and get the most efficacy out of the money.
- Stephen will soon be making announcements about key hires.
- There is a new address assignment policy.

**15. Select Board Sub Committee Updates – S. Player**

- The Property Re-use Working Group has submitted its final suggestion for the relocation of the Community Gardens. One of the recommendations in the proposal is that there should be a sub group for the community garden development.
- Affordable Housing/Ipswich Housing Partnership met on the 8<sup>th</sup> to discuss early advocacy and opportunities for projects in the town, and how to increase affordability for projects in town.

**16. New Business**

- Linda said there are several areas in downtown with different parking limits and we should make that more consistent She also suggested we establish guidelines for overflow boat trailer parking.
- Linda asked if they have increased the Pavilion Beach parking fine yet. Currently it is \$30 and they had discussed increasing it to \$100. Stephen said that may require a bylaw change.
- Carl attended the MMA Select Board meeting last Friday.

**17. Old Business**

- none

**18. Miscellaneous and Correspondence – S. Player**

- none
- Motion to adjourn made by Mike, seconded by Charlie.

→ *Motion passed unanimously, 5-0*

Respectfully Submitted By

Alyson von der Esch  
6-20-2023