

IPSWICH SELECT BOARD
Meeting of Tuesday, September 6, 2022
Ipswich Town Hall | 25 Green Street

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 Tuesday, September 6, 2022, at 7:00 PM in Meeting Room A.

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

Also present: Mary Gallivan, Interim Town Manager and Ashley Boudreau, Recording Secretary.

Mr. Whitmore called the meeting to order at 7:00 PM.

Welcome and Announcements

Reminder: school is back in session. Please be on the lookout for students.

Primary election voting day, get out there and vote!

High Street Global War on Terror Memorial Bridge Dedication Ceremony will be on October 15, 2022 at Ipswich Town Hall.

Drought restrictions are still in place.

Citizen Queries

None.

Boards and Committees

Dwight M. Thompson: New Appointment Architectural Preservation District Committee, Alternate Member.

Dwight Thompson is currently serving on the Essex County Trail Association Committee. His son had been serving on the Architectural Committee previously, and resigned. Several members had approached him to fill this position. Family carpentry experience, career as a banker for 35 years, and has a love for old homes.

- Vote: Dr. Jones moved to appoint Mr. Thompson as Architectural Preservation District Commission Alternate Member, Ms. Mackin seconded. Motion passes unanimously.

PUBLIC HEARING: Shellfish Rules and Regulations Amendments, Definition of Resident, Summer Resident, Harvest Limit Year

Mr. Whitmore read the advertised legal notice.

- Vote: Ms. Alexson moved to open the hearing, Dr. Jones seconded. The motion passed unanimously.

Chief Nikas presented proposed changes to the Town of Ipswich Shellfish Rules & Regulations as advertised, noting that the Shellfish Advisory Subcommittee voted unanimously to recommend the changes.

The proposed regulation changes include:

- New language to be added to the bottom of Preamble section: “Appeal of shellfish permit denial shall be made to the Select Board as Shellfish Commissioners.”
- Add new definitions of “Resident” and “Summer Resident”.
- Extension of 300-lb. commercial harvest limit for another year to October 1, 2023.
- Summer Residents are not eligible for commercial permits.

Dr. Jones asks would a “resident” be inclusive of people who are legal aliens, green card holders, etc. Chief Nikas responded that it is inclusive if requirements are met and the person is on the town census or can provide proof of residence.

There was no public comment.

- Vote: Ms. Alexson moved to close the Public Hearing. Dr. Jones seconded. The motion passed unanimously.
- Vote: Dr. Jones moved to approve regulation changes, Ms. Alexson seconded. The motion passes unanimously.

Outdoor Entertainment Working Group Recommendations

Chief Nikas presented a draft Outdoor Entertainment Policy. The Working Group held 6 meetings starting in April and developed a draft policy, although there were a couple of items the group did not reach agreement on. Outdoor entertainment is popular, the town is trying to obtain a balance for local business and residents.

It has been challenging narrowing down the hours that outdoor entertainment venues may operate. A 6 hour window for Monday through Thursday 1 pm-10:30 pm has been agreed upon. However, there was difficulty reaching agreement on closing time for Friday through Sunday, 1 pm-10:30pm or 11 pm.

Ms. Alexson asked if it would be better to shut down on Sundays at 10:30pm as it is a school/work night. Chief Nikas replied that some venues need to be open later for specific events.

The second unresolved issue was who would be responsible for abutter notification of public hearings for outdoor entertainment licenses, the business or the Town. It was recommended that notice be by mail and that the mailing would be a 1-time occurrence for the initial permit only, not for renewals.

Dr. Jones asked about events that might go until midnight. The Chief responded that if a venue wanted permission to go beyond the policy hours, they would need to come before the Select Board. She also asked about the duration of 6 hours, and the Chief indicated that is the usual duration of events. This only applies to outdoor entertainment, and would not apply to events like Illumination or Downtown Tuesdays.

Mr. Whitmore asked how it would be determined if noise was too loud. Noise complaints have been an issue. Chief Nikas states police will be enforcing policies and an officer will be dispatched to see if the sound level is reasonable. If it is not, adjustments will be made.

Tim Driscoll (31 Upper River Road), a member of the working group, wanted to clarify some specifics. The key elements are communication to the clients/DJ, stress that venues will need a copy of their contracts and everything has been communicated that the policies are in place. Suggests a notification of events where an Event Manager/or Owner must be available in the event of a complaint and that an adjustment be made. Abutters will get a one time notification.

Ms. Alexson feels it is more efficient for the town to provide notification but has concerns about who will pay for it.

Bill Massos (43 Boxford Road) is concerned that anyone who has complaints about hearing noise inside their house will continue to do so. Proposes that a measurable standard will be more efficient.

Peter Pinciario (400 Colonial Drive, #26), Director of Crane Estate for Trustees of Reservations, Stated that a great deal of contentiousness was carried into several meetings. Compromises must be made for those involved that are not happy. Believes that the process has been very carefully explained. Encourages Select Board to communicate with members of the Working Group and to discuss in the coming weeks.

Jackie Kronenberg (6 Essex Road) Has been present many times discussing the noise level at events. Neighborhoods have been greatly disturbed. Would like to see more indoor events. Music that is played is copyrighted. Feels that all entertainment and music providers should have a license to play music. Stated that there are two companies to obtain this license: ASCAP or BMI. Requests that this open for discussion.

Dr. Jones and Ms. Alexson feel that this is off topic and that copyright issues should be for another entity to handle.

Brandon Boyd (9 Upper River Road) Would like to keep times from 1pm-10:00 Sunday-Thursday and until 10:30pm Friday and Saturday. Many complaints were made this summer and were told the Police would investigate. Nothing changed and feels enforcement policy is not working well.

Olivia Perez-O'Dess, Director of Community Relations for the Greater Cape Ann Chamber of Commerce, asked if the Chamber would be able to provide recommendations to the Select Board as part of this public comment process.

- Vote: Dr. Jones moved for the Select Board to table vote until the first meeting of November for more thorough review. Seconded by Ms. Alexson. Motion passes unanimously.

Vote 2022 STM Date Change to October 25, 2022

- Vote: Ms. Mackin moved to change the date from October 18, 2022 to October 25, 2022. Dr. Jones seconded. The motion passes unanimously.

Discussion of Conservation Off-Site Mitigation Fund in 2022 STM Warrant

Ms. Alexson feels that since this is a new fund it does not belong under the consent agenda and should be a separate article.

Jennifer Hughes (117 High Street #5), representing the Conservation Commission. Concerned on why there is a special fund to accept escrow funds. This has been done before without ever having a fund to deposit it to. She explained this is a special circumstance. Does not want a fund as there is already an escrow account open with the town treasurer.

Mr. Whitmore suggests reviewing details with the Conservation Committee at town meeting.

- Vote: Ms. Alexson moved to remove the offsite mitigation fund article out of consent agenda and have it be a separate article, Ms. Mackin seconded. Motion passed unanimously.

Consent Agenda

a. One Day Wine and Malt Application(s) –

- i. Michele McGrath for Ipswich Cultural Council 36th Annual Art Show and Sale at Ipswich Town Hall on September 30, 2022.
- ii. Joe Karr for Trustees of Reservations for Guided Hikes & Craft Beer at Appleton Farms on October 8, 10, November 5, 19, December 3 & 17, 2022.
- iii. Beth Donhauser for Essex County Brewing Co. for Farm Days and Octoberfest at Appleton Farms on September 17, 18 and October 15, 2022.
- iv. Paul Donhauser for Essex County Brewing Co. for Pizza Picnics at Appleton Farms on September 9, 16, 23, 30, 2022.
- v. Jake Rogers for True North Ale Co. for Appleton Farm Days & Oktoberfest on September 17, 18, and October 16, 2022.
- vi. Paul Joseph Gentile of Gentile Brewing Co. for Appleton Farm Days & Oktoberfest on September 17, 18 and October 15, 16, 2022.

b. One Day All Alcohol Application(s) –

i. Andrew Skillman for Ipswich Masonic Temple on September 30, 2022 for a Business Event, October 8, 2022 for a Reunion and October 9, 2022 for a Baby Shower.

- Vote: Dr. Jones moved to approve, Ms. Alexson seconded. The motion passes unanimously.

Approval of Minutes

a. August 18, 2022

b. August 22, 2022

- Vote: Ms. Alexson moved to approve August 18 and 22, 2022 Select Board Minutes, Dr. Jones seconded. The motion passes unanimously.

New Business

Vicki Halmen (Water & Wastewater Director) submitted an easement over property at 30-34 Town Farm Road.

- Vote: Dr. Jones moved to approve this easement and be signed tonight, Ms. Mackin seconded. Motion passes unanimously.

Old Business

None.

Town Manager Update

Contract signed with Public Safety Building architects, which came in about \$400,000 under budgeted costs.

Miscellaneous and Correspondence

Tri-Board meeting scheduled for September 15, 2022.

Electric Light Subcommittee meets September 14, 2022.

Adjourn

Vote: Ms. Mackin moved to adjourn, Ms. Alexson seconded. Motion passed unanimously.

Submitted Respectfully by Ashley M. Boudreau 09/05/2022