

IPSWICH SELECT BOARD
Meeting of Tuesday, September 8, 2020

The Select Board participated in this meeting remotely utilizing Zoom in accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

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

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

With a quorum present, Ms. Alexson called the meeting to order at 7:02 PM.

Welcome/Announcements

The next Select Board meeting will be held on Monday, September 14. There will be a presentation of the Draft Housing Production Plan, the first of two Winter Water Rate hearings, and discussion regarding the adoption of a Water Use Mitigation Plan (WUMP).

The Treasurer/Collector office is currently holding money for over 100 residents and businesses. Claims must be made by October 15.

The Crafty Ladies will hold a socially-distanced craft fair on September 19 from 9:00 AM to 2:00 PM at the high school.

Ipswich Illuminations will be held from September 15 through October 31 from the downtown River Walk through Town Hall. There will be public art projects and pop-up performances. Bonfires will be lit on the river on select Friday and Saturday nights. The Shadow Dance exhibition will be left out over the course of the event, set on a motion detector.

Citizen Queries

None.

Board and Committee Business

- I. Christopher Morse – Appointment – Architectural Preservation District Commission

Mr. Morse is an architect and previously served on the APDC from 2015 to 2018.

- *Vote: Ms. Mackin moved to appoint Mr. Morse to the Architectural Preservation District Commission. Dr. Jones seconded. The motion carried unanimously via roll call.*

Consent Agenda

- I. One Day Wine & Malt Liquor License Applications
 - a. Far From the Tree LLC for Craft Tastings at Appleton Farms on 9/20 and 27
 - b. Great Marsh Brewing Company for Seltzer Sunday Fundraising Event at Appleton Farms on 9/13 and 20

- *Vote: Mr. Whitmore moved to approve the Consent Agenda. Ms. Mackin seconded. The motion carried unanimously via roll call.*

Approval of Minutes

- I. August 17, 2020

- *Vote: Dr. Jones moved to approve the August 17, 2020 minutes. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Town Manager Report

SKATEPARK ISSUES

Neighbors of Bialek Park have reported that teenagers have been using the skatepark past midnight. The park officially closes at dusk. Additional signage reinforcing hours will be installed, and a sound buffer has been discussed for Phase 2 of construction. Police patrols will also increase in the area, and additional cameras will be installed facing the skatepark.

MARINI FARM

The Select Board was given a tour of Marini Farm, and discussed water concerns. In past years, the farm has been about 60% retail sales, 40% wholesale. This year, they are 80% retail sales and 20% wholesale, showing an increase in local food demand.

STRATEGIC PLANNING COMMITTEE

The Strategic Planning Committee will meet next week to work on feedback received at last week's Tri-Board meeting.

Seasonal Liquor License Date Extension Request Due to COVID-19

New England Country Club Management d/b/a Ipswich Country Club has requested that their outdoor liquor license be extended to October 12 in their pool area to comply with COVID-19 regulations. Under normal conditions, their last day of outdoor beverage service would be Labor Day.

- *Vote: Mr. Whitmore moved to approve the extension request. Ms. Mackin seconded. The motion carried unanimously via roll call. (Mr. Mootafian was not present for the vote.)*

PUBLIC HEARING: Shellfish Rules and Regulations

“Residents of the Town of Ipswich, please note that the Select Board will hold a remote public hearing on Tuesday, September 8, 2020 at 7:20 PM to make the following amendments to the Shellfish Rules and Regulations, Section 3 – Commercial Permits (deleted language shown in in bold italics):

Section 3 – Commercial Permits – Second Paragraph: “The harvest limit is three hundred pounds (300) pounds of shellfish (excluding oysters and sea clams) per licensee per day until October 1, ~~2020~~ ***2021***. The harvest limit shall be one hundred eighty (180) pounds of shellfish (excluding oysters and sea clams) per licensee per day beginning October 2, ~~2020~~ ***2021***.” – Linda Alexson, Chair, Select Board

- *Vote: Dr. Jones moved to open the Public Hearing. Ms. Mackin seconded. The motion carried unanimously via roll call.*

Ms. Alexson recused herself from the discussion due to her husband being a commercial digger.

Police Chief Paul Nikas reported that this has been an annual request for the past three years. The Shellfish Constable and Deputy have been monitoring the numbers, and it has been determined that to date, there have been no adverse impacts on the clam flats due to the pound increase allowed. The request has never been proposed as a permanent change, so as to allow adjustments to be made if necessary.

Ms. Mackin asked if the closure of the inner Essex clam flats would impact Ipswich clam flats. Chief Nikas responded that they would not.

There were no Public Comments.

- *Vote: Mr. Mootafian moved to close the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously via roll call, with Ms. Alexson abstaining.*
- *Vote: Mr. Mootafian moved to approve the request. Mr. Whitmore seconded. The motion carried unanimously via roll call, with Ms. Alexson abstaining.*

Discuss/Vote New England Biolabs TIF Agreement

Mr. Mootafian recused himself from the discussion.

Brian Tinger (Controller, New England Biolabs) stated that after several internal discussions, New England Biolabs has decided to withdraw their TIF application. They appreciate the support given by the town and plan to continue with their expansion as previously presented, but recognizing the town's financial pressures feel it is best to withdraw the application. They hope that the increased revenue from their expansion will contribute towards STEM programs in the schools.

There was no public comment.

Vote Special Election Warrant Ballot Questions

The Special Election will be held on Tuesday, October 20, 2020.

- *Vote: Mr. Mootafian moved to open the polls from 8:00 AM to 8:00 PM. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Old Business

Mr. Whitmore asked for an update on the Cycle Safe Task Force. Mr. Marino reported that appointment letters were sent out, and a first meeting date will be set.

Ms. Alexson reported that following a meeting between herself, Mr. Marino, George Hall (Town Counsel) and the Department of Marine Fisheries, a memorandum was sent to all shellfishing communities that rate structures must allow non-resident veterans over an established age to be charged the lowest possible fee. The Shellfish Advisory Subcommittee will be meeting on September 15, and has planned a complete overhaul of fee regulations to ensure the proper updates of language provisions. Following that meeting, there will be two Public Hearings held by the Select Board to adopt the new regulations.

New Business

Ms. Mackin stated that she feels environmental considerations must be incorporated into the Strategic Planning Committee's presentations. Mr. Marino reported that environmental considerations will be brought up at their next meeting, following Ms. Mackin's request at the last Tri-Board meeting.

PUBLIC HEARING: Special Town Meeting Warrant, Sign Warrant

"Residents of the Town of Ipswich, please note that the Select Board will conduct a remote public hearing on Tuesday, September 8, 2020 at 8:00 PM relative to the warrant for the Special Town Meeting to be held on Saturday, October 17, 2020." – Linda Alexson, Chair, Select Board

ARTICLE 1: Stabilization Funding

Submitted by Select Board

To see if the Town will vote to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 2: Capital Plan

Submitted by Select Board and School Committee

To see if the Town will vote to transfer from Free Cash the sum of \$460,590 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

- School
 - Flooring & Carpet (District) \$24,000
 - Interior Exterior Painting (District) \$15,000
 - HVAC – Advance Control Sequencing (MS/HS) \$46,000
 - Paint MS/HS Interior & Exterior \$20,000
 - Locker Room \$80,000
- Buildings
 - DPW Garage Remodel Break Room/Bathroom \$15,000
- Equipment
 - PW-58 Backhoe \$136,090
 - FY25 E1 Truck (Replacement) \$50,000
 - Fire Pick Up Truck (Replacement) \$34,500

- Administrative Vehicles – Police XO \$40,000

ARTICLE 3: Amend FY21 School Budget

Submitted by School Committee

To see if the Town will vote to amend Article 4 of the June 27, 2020 Annual Town Meeting to the following: To transfer \$125,000 from the Overlay Surplus account; to transfer \$1,169,589 from the Education Stabilization Fund; and to raise and appropriate the sum of \$30,724,488 for a total of \$32,019,077 to fund the FY2021 School Budget.

ARTICLE 4: Adult Use Marijuana

Submitted by Planning Board

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich.

Summary: Special Town Meeting, in October, 2019, approved a General Bylaw change to allow for recreational (also referred to as “adult use”) marijuana establishments in Ipswich, with the exception of retail. Currently, there are no zoning regulations to address recreational marijuana establishments in Ipswich. The current Zoning Bylaw allows with conditions registered medical marijuana dispensaries and should be modified to also allow for and regulate the allowable recreational marijuana establishments. Absent zoning regulations, the permissible recreational marijuana establishments would fall under enclosed manufacturing, which is allowed in the PC and LI districts (Route 1) and by special permit in other industrial zones. This article would only allow recreational marijuana establishments where registered marijuana dispensaries are currently permitted, within the PC and LI districts on Route 1.

ARTICLE 5: Registered Marijuana Dispensaries (RMDs)

Submitted by Planning Board

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich.

Summary: As the Planning Board and Staff reviewed potential zoning regulations for Marijuana Establishments, it became apparent that the Town’s existing Registered Marijuana Dispensary (RMD) regulations should be expanded and they should be fairly consistent with the proposed Marijuana Establishment regulations. Accordingly, this article proposes to prohibit drive through services, restrict views of operations and materials from the outside, prohibit outside storage, and regulate for proper ventilation and odor management. The article also proposes to make the minimum and maximum size of Registered Marijuana Dispensaries consistent with the minimum and maximum size proposed under the Marijuana Establishment article.

ARTICLE 6: Clarification Amendment

Submitted by Planning Board

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich.

Summary: In the fall of 2016 Town Meeting adopted a new definition for “Use, Residential Mixed” and added this use to the Table of Uses in Section V of the Zoning Bylaw. The intent of this change was to make it explicit that mixed use (residential plus an allowable non-residential use) is permitted in certain zoning districts. “Use, Residential Mixed” is unintentionally omitted from the list of residential uses called out in the Table of Dimensional and Density Regulations, however. Accordingly, this article would clarify the definition of the “Use, Residential Mixed” to make it clear that this use should not be considered as “all other permitted uses” in the Table of Dimensional and Density Regulations.

ARTICLE 7: Energy Efficiency Related Zoning Changes

Submitted by Planning Board

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich.

Summary: This article is important for the Town to achieve its goal to reduce Green House Gases (GHGs). The goal was included in the Community Development Plan as amended in 2008, and in the goals and work plan of the Ipswich Electric Light Department (ELD) for 2021. The proposed changes would reduce GHG emissions from new construction and increase electrification of those homes as a way to curb overall GHG pollution. Another purpose of the proposal is to allow residents flexibility to have certain energy efficiency improvements protrude into building set-backs. All the proposed changes are relevant modifications to existing

sections of the zoning by-law, and all are designed to achieve a similar purpose – to increase energy efficiency and reduce GHG emissions.

ARTICLE 8: New England Biolabs – Tax Increment Financing (TIF) Agreement

Submitted by Select Board

[Withdrawn by New England Biolabs]

ARTICLE 9: Purchase of Land for Site of Proposed Public Safety Building

Submitted by Select Board

To see if the Town will vote: (1) to appropriate the sum of \$630,000 to purchase land located at 4 Pineswamp Road, Ipswich MA, consisting of eight (8) acres, more or less, and being a portion of the land shown on the Assessors' Map at Map 30D, Lot 135, to serve as the site of the proposed public safety building, including the payment of all costs incidental and related thereto; and (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or (3) to take any other action relative thereto.

Summary: This article will authorize the Treasurer to borrow the sum of \$630,000 to purchase land located at 4 Pineswamp Road to serve as the site of the proposed public safety building.

ARTICLE 10: Design of Proposed Public Safety Building

Proposed by Select Board

To see if the Town will vote: (1) to appropriate the sum of \$2,250,000 to pay costs of designing the proposed public safety building, to include that portion of the costs of architectural and engineering fees, supplemental service fees for geotechnical surveys, energy modeling, permitting, prequalification, traffic engineering, communications design, and all other costs incidental and related thereto incurred through bidding, but not construction administration; and (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or (3) to take any other action relative thereto.

Summary: This article will authorize the Treasurer to borrow the sum of \$2,250,000 to pay costs of designing the proposed public safety building.

ARTICLE 11: Amendments to Chapter 118 Boats and Waterways

Submitted by Government Study Committee

To see if the Town will amend Chapter 118 Boats and Waterways of the General Bylaws of the Town of Ipswich.

Summary: The Select Board asked the Government Study Committee (GSC) in 2016 to make recommendations on the Waterways Advisory Committee appointment and charge, and waterways regulations process. The Select Board asked the GSC and Waterways Advisory Committee in 2019 to recommend a warrant article for the May 2020 Annual Town Meeting, This clarifying bylaw amendment is intended to resolve years of inconsistent practices. If approved by the October 17, 2020 Special Town Meeting, this bylaw amendment will be followed by a May 2021 Annual Town Meeting Warrant article proposal to remove current bylaws on waterways, boating, Town Wharf and public landings that are duplicated in, conflict with or should be incorporated into the Rules and Regulations of the Waterways that can be found on the Harbormaster web site. This would also clarify Ipswich will have only one place for Waterways regulations not two. The proposed May 2021 Annual Town Meeting Waterways article will also include the approval authority of Waterways regulations.

ARTICLE 12: Amend Chapter 138 – Demolition Review

Submitted by Historical Commission

To see if the Town will amend the provisions of Chapter 138 of the General Bylaws set for below, or make other changes of any provision of Chapter 138 (Demolition Review).

Summary: The major responsibility of the Ipswich Historical Commission is to protect significant historic structures by encouraging preservation and rehabilitation. To enable the IHC to fulfill this responsibility, the Commission is recommending four amendments to the Town's 1987 Demolition Review Bylaw: 1) The age of buildings requiring a Historical Commission review to determine their significance is changed to those constructed prior to 1915 from the current language which specifies all buildings that are 75 years old or older. A building's historic significance determines whether a permit to demolish should be issued or withheld. 2) The period for which a demolition delay may be imposed is extended from 12 months to 18 months so as to give the Town more time to find a preservation solution for the structure. 3) The process by which a demolition permit is reviewed is updated and typos in the original 1987 bylaw are corrected. 4) The authorization for the Historical Commission to determine whether a Significant Building is an imminent threat to public health and safety is removed. (The Building Inspector and the Board of Health have that responsibility by law.) 5) Coordination with the Architectural Preservation District Bylaw is clarified.

ARTICLE 13: Amend Chapter 109 – Animals

Submitted by Select Board

To see if the Town will amend Chapter 109 Animals of the General Bylaws of the Town of Ipswich.

Summary: Similar to our Shellfish License Fees, the intent of this bylaw is to offer our 70+ residents reduced fees to license their dogs.

ARTICLE 14: Water Department Main Replacement

Submitted by Select Board acting as Water Commissioners

To see if the Town will vote: (1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town's water system, including the payment of costs incidental or related thereto; and (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other enabling authority. All or any portion of this amount may be borrowed through the Massachusetts Clean Water Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or (3) to take any other action relative thereto.

Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to rehabilitate and/or replace a portion of the water system in the area of High Street, evaluate and design upgrades to the Water Treatment Plant and water storage tanks. This infrastructure is approaching or is past its useful life. Failure of this infrastructure will impact the ability to provide water to the community.

ARTICLE 15: Sewer Easements Required for Wastewater Infrastructure Work

Submitted by Select Board acting as Sewer Commissioners

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, voluntary conveyance or by eminent domain, temporary and permanent easements to gain access to and reconstruct the system of public sewers along and under the Ipswich River between County Street and 4 Union Street, as more particularly shown on a plan entitled Plan of Easements in Ipswich MA prepared by Donohue Survey, Inc., and to appropriate a sum of money therefor, or take any other action relative thereto.

Summary: This article will authorize the Board of Selectmen, as Sewer Commissioners to acquire temporary and permanent easements along the Ipswich River to facilitate construction activities to rehabilitate sewer infrastructure. Existing easement are limited in area and not sufficient to support the planned construction. Funding for the rehabilitation project was approved under Article 14 at the 2020 Annual Town Meeting and construction is scheduled to begin this fall.

ARTICLE 16: Kamon Farm Land Purchase on Pineswamp Road

Submitted by Open Space Committee

Summary: Under the Town's Open Space Bond article, as amended, the Town has already appropriated and authorized the Treasurer to borrow up to \$15,000,000 to acquire parcels of land for open space, water supply protection, recreation and/or certain limited municipal purposes provided that (1) they are on a "list of priority parcels" approved by Town Meeting, and (2) the Town Meeting approve any acquisition requiring the expenditure of more than \$500,000. There is a remaining authorization of \$4,008,000.00 under the Open Space Bond article. Kamon Farm, on Pineswamp Road, is a matrix of wetlands, agricultural fields, and wooded uplands with tributaries of the Bull Brook Reservoir and Kimball Brook. Kamon Farm has been on the Open Space Bond List since 2000, and is vital for drinking water supply protection, wildlife habitat, passive recreation and agriculture in Ipswich. The property offers significant drinking water supply protection. A branch of Bull Brook runs through the property, and several smaller tributaries begin in the hayfields. A portion of the aquifer for the Mile Lane wellhead is also located on the property. More than half of the property protects and filters water flowing into the Bull Brook Reservoir and the Mile Lane Well. The Town has requested \$400,000.00 from the LAND Grant program through the MA Executive Office of Energy and Environmental Affairs to acquire a conservation restriction over the 92.9 acres. A yes on this article would allow the Town to make the required match by contributing up to \$450,000 from the Open Space Bond. Greenbelt will fundraise the remaining balance of \$400,000 to meet the full \$1,150,000 purchase price for the property. Greenbelt will own the land subject to a Town-held Conservation Restriction, and will steward and maintain the property. The Town's responsibilities will be limited to routine monitoring of the property under the terms of the Conservation Restriction, and coordinating with Greenbelt on public access. The public would have access in designated areas for passive recreation once Greenbelt takes ownership.

ARTICLE 17: Citizen Petition – Implementation of Water Use Mitigation Plan

Submitted by James McCarthy, 33 Fellows Road

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich.

Summary: The petition is to implement a Water use mitigation plan to collect a fee that will create funding that will be used for water reduction measures with the goal of reducing the impact of housing growth on the water use in Ipswich and providing a more stable water supply system.

ARTICLE 18: Citizen Petition – Two Year Building Moratorium on Multi-Unit Developments

Submitted by Robert Richter (38 Fellows Road)

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich.

Summary: This temporary building moratorium for multi-unit developments. Ipswich is experiencing an unanticipated increase in the construction of multi-unit developments. Concurrently, the town is updating/revising several existing plans including: The Housing Plan, the Community Development plan, and the Water Neutral Development plan. The town needs to complete these comprehensive studies to allow its respective approval boards to fully evaluate the impact these proposed multi-unit developments have on the water, sewer, and roadway infrastructures; police, fire, and emergency public safety; the school district, and the safety of the general public. This Moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals (except building permits) prior to the effective date of this Bylaw.

Helen Weatherall (44 Fellows Road) wrote via Zoom Chat: "For years now we have approached the 10% requirement only to be pushed back from it by developments like that now underway on Linebrook Road."

The Ipswich River Watershed Association wrote via Zoom Chat: "Would this exempt single-family subdivisions? Why?" Ethan Parsons (Director of Planning and Development) responded that he was unsure, as there is no definition of what a multi-family unit is in the article.

ARTICLE 19: Citizen Petition - Remove Inclusionary Housing Payment-In-Lieu-Of Option for Non-Fractional Affordable Housing Units

Submitted by Christopher Florio (44 Fellows Road)

Change section IX.I.3.a – a Multi-Family Residential Development of the VI. Protective Zoning Bylaw.

Summary: These changes to the zoning bylaws will eliminate the Payment-in-Lieu-of Option for affordable housing units, with the exception of fractional units. With the current rule, large developments can be allowed to build housing without any affordable housing, allowing each development to move the town further from the 10% affordable housing target that allows the town control over large “40B” developments.

- *Vote: Ms. Mackin moved to close the Public Hearing. Dr. Jones seconded. The motion carried unanimously via roll call.*

Miscellaneous & Correspondence

Ms. Alexson asked the Board if they would be interested in holding an in-person Select Board meeting, while still utilizing Zoom for public participation. She reported that the School Committee is currently holding their meetings in this manner.

Dr. Jones stated she would like to see if such a method would be feasible.

Mr. Whitmore stated that he did not see the benefit of holding in-person meetings if the public still needed to participate via Zoom.

Mr. Mootafian agreed with Mr. Whitmore, and added that in-person meetings should not be held if masks would still be required.

- *Vote: Ms. Mackin moved to adjourn. Dr. Jones seconded. The motion carried unanimously via roll call.*

The Select Board adjourned at 9:50 PM.

*Respectfully submitted by Eileen G. Page
09.08.2020*