

TOWN OF IPSWICH
Select Board Meeting
Monday, September 19, 2023 at 7:00 PM
Meeting Room A – Town Gall, 25 Green Street

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 Tuesday, September 19, 2023 at Town Hall, 25 Green Street

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

Select Board members not present: Carl Nylén

Also Present: Stephen Crane (Town Manager), Neil Shea (Restoration Program Manager, Ipswich River Watershed Association)

1. Pledge of Allegiance

2. Welcome/ Announcements – S. Player

- Sarah said this is a special meeting regarding the dam project. Questions asked at this meeting do not take the place of asking formalized questions through the MEPA process.
- Michael said there is a Tri-Board meeting scheduled for next Tuesday at 7 PM and an Audit Committee meeting in Meeting Room A at 7 PM.

3. Citizen Queries – S. Player

- Joni Soffron, Agawam Village, said she watched their discussion last night about what citizen queries should be and shouldn't be. The bylaw states that at the beginning of each meeting there should be a time for citizens queries. Joni said she and her friend Sarah O'Connor were attending School Committee meetings for citizens queries and the School Committee didn't like it so they changed it to the end of the meeting. In 1997, Joni authored a citizens' petition that citizens queries must be at the beginning and it passed. Joni said if in fact they are going to have people wait until the agenda item comes up, please in fact allow people to speak during that agenda item.
- KelleyJane Kloub, Mitchell Road, followed up on the tree that is down across the river. She has been waiting a month to get an answer about who is responsible for removing the tree that is blocking the river. KelleyJane also asked about the executive meeting minutes. Sarah said they are working on a plan to get that rectified. Stephen said this is time consuming but we do know we need to do this. It's a large amount of work. Stephen said regarding the tree, the property is privately owned and the owner would have to go to the Conservation Commission to get a permit to remove that.

4. Ipswich Mills Dam Project Update and Discussion – S. Player

Sarah said we have a special meeting to discuss the dam and we have representatives from IRWA and Horsely Witten, our engineering firm who did all of the technical work. We have an update and a presentation from Neil, and then we will open it up for commentary. The Town of Ipswich has owned the dam since 1981. The town began exploring the dam in 2012. We did both a partial and full feasibility study on the dam. We are still in the middle of the MEPA process.

a. Timeline

Neil Shea, Restoration Program Manager for the Ipswich River Watershed Association, thanked everyone who has participated in the MEPA process so far. They have had two great meetings so far that really showcased what MEPA is for and also allowed the public to be heard. Neil gave some updates regarding where we are in the timeline and also shared comments that have come up from the public. The project started with the town scoping out what to do with the dam in 2012. Neal Price and Horsely Witten have been on the project team and were involved in the pre-feasibility study.

There was also a technical advisory committee. They then decided to embark on a full feasibility study. Since then there have been multiple follow-up studies, analyses, and design. We are currently in the MEPA review which is not a permit, but it is every state agency that would be interested in the project taking a look at the project. This time is for MEPA to get agency consultation and public input and feedback before they issue a certificate. The project requested an EIR waiver (Environmental Impact Review). From there we go through the individual permits process which involves each permit that the project needs to go to.

Neil then went over common concerns. Concerns included the ecosystem changing and questions about why the town can't instead develop a fish bypass and allow the dam to stay. Neil said the dam has a freshwater tidal marsh which is rare and removing the dam will allow this to thrive. People also had concerns about dam removal having negative impact on recreation and concerns over groundwater as drinking water. Citizens also stated concerns regarding dam removal having impact on downstream infrastructure such as the Choate Bridge. Neil went over recommendations and said they are also in the report.

b. Public Comment

KelleyJane Kloub, Mitchell Rd, asked what the timeline is of when this will come before the town for a vote. Sarah said they will discuss that in the "next steps" conversation tonight. Kelly asked if it will be a ballot vote or if it will go to Town Meeting. Sarah said technically it already was voted at Town Meeting, so now it is just a Select Board vote. Sarah said we did not vote on the removal, we only voted to have the study done. Sarah said they will discuss if they want to have the town vote on this. KelleyJane asked, because we went through the drought and now we have had exceptionally high water, once we take the dam down and we have another drought, will the water level up river be completely gone? KelleyJane asked if all of the Select Board members read the entire report. Neil said the drought conditions up river were looked at in the feasibility study that addresses a whole range of tidal and flow conditions. The low flow condition is termed the 95% exceedance level, which means those terms are exceeded 95 out of every 100 days. So that is probably a little wetter than the full-on droughts that we had. Neil said people fail to appreciate that there is still ground water coming in. It might be a little worse but not much.

Denis Markiewicz, 37 Fellows Rd. read the statement "if we free the dam, we will free the river, we will open up 49 miles of river". The reality is if we remove the dam, we get 1.5 miles more of free-flowing river, not 49 miles. People say the fish don't like the warm water above the dam. But above the other dam in town there is 15 miles of slow-moving warm water and fish are there all the time. Ipswich is home to the most spectacular wetlands. The wetlands extend above the dam. With dam removal, water level will fall and all of the wetlands will suffer. There are wetland protection laws in Massachusetts. With a new fish ladder instead of dam removal, we can have wetlands protection.

Chris Cerino said the Horsley Witten group wasn't hired to look at alternatives to dam removal. They were only hired to look at feasibility of removing the dam. The MEPA process will not conclude if the dam removal is the right choice, only if the dam removal is possible. Chris thanked the Select Board for tonight's opportunity for public comment, and said anyone who is looking for more information on pros and cons of removing the dam can go online to the Ipswich Facebook group. There are many articles and links that can be helpful in the decision-making process. Chris asked what the timeline is for the information regarding low and no flow conditions due to water withdrawals. Chris also asked how we know migratory fish will return after dam removal? Have there been any dam failure analyses conducted by a structural engineer as to the analysis of dam failure? An accurate structural failure analysis and cost analysis need to be a part of the equation.

Marlene Markos, Damon Ave, said her yard is on the river bank. The vast variety of wildlife is astounding. She asked what the maintenance cost is to the town. The dam is not in structural disrepair or ready to fail. This town has not been very good at maintaining anything that we own. We need to maintain our facilities and our environment. We have not been given alternatives to dam removal. This study was done merely for dam removal but the town did not investigate other options such as a modern up-to-date fish ladder. The town was not asked their input. Marlene said the reason our dam is on the endangered list because of all of the water withdrawals from other towns.

Anne Carroll, 33 Upper River Road, thanked the Select Board for the opportunity to speak. Anne said she believes there is common ground in this room. Both sides have a genuine love for the river, we just disagree on what is

best for the river. Anne said she has not heard any scientific justifications or monetary justifications for keeping the dam. We do not need to maintain an object that no longer serves a purpose. This dam was put in place by humans for a reason and that reason is no longer there. Anne said she thinks requesting a full EIR is not a good idea. The MEPA path is thorough. The net environmental benefit is so clearly positive for the removal of the dam.

Joni Soffron, Agawam Village, asked if there is anything we can do about cutting off some of the towns that draw from the Ipswich River that are depleting our water supply. Sarah said there is a regional task force that has been designed to look at this. They are looking at regional problem solving about withdrawal questions. Stephen said the withdrawal of water in MA is extremely regulated.

Carol Bousquet, 27 Green Street, said removing the dam is the biggest thing our town can do in the face of climate change. Carol went over various pieces of legislation that effect the river. Other towns that have removed their dams have seen an incredible return of wildlife. Removing the dam is imperative in addressing what is going to happen relative to climate change.

Catherine Hone, 29 Upper River Road, said during the drought of 2019 when the river was lowered, her husband was able to paddle the river every day. Katie said we are going to be able to watch this river return to what it was meant to be.

Eric Krathwohl, 8 Fifth Street, thanked the Select Board for holding this meeting. Eric said let's not trade a certain known wonderful environment for a place that experts cannot say wildlife will certainly return to. Let's not destroy reminders of the town's history and heritage. Eric said he does not feel this process has been inclusive of the town and would hope that going forward it can be.

Carl Gardner, 9 Woods Lane, said he agrees with Eric. He hopes this can be a deliberative approach and not just be driven by a one-way express on a single perspective. Carl said when people discuss the Exeter project, it is not directly comparable to this process. This was initiated by the State of NH and they were told they needed to do something about their high-risk dam. Carl asked for the Select Board to look at this from a bottom up perspective instead of top down.

Bill McDavitt, 6 Manning Street, expressed his gratitude for the Select Board taking time to hear feedback. This will be an aesthetic change and a change to the wetlands. Bill said he served on the Conservation Commission and he would have voted in favor of dam removal which would support the spirit of the wetland's protection act. Yes, it will change the wetlands but this would have a positive effect on the seed bank. Bill also works at NOAA fisheries on a contract basis and he has never once seen an article that dam removal degrades a river. Dam removal and restoration are one in the same. Bill said every dam removal he has seen has greatly improved fish migration.

Marlene Markos, Damon Ave, said when they had the meeting the other day, a couple had expressed observations about whenever the river got low they could see oil slicks coming out from parts of the river bank. Marlene asked if that will be looked into.

Joanne Delaney, 12 Kinsman Court, thanked the Select Board for having everyone. Joanne is a biologist by training and she supports dam removal for all of the scientific reasons. Her main concern is about recreation access because she is an active paddler. The river with no dam will be shallower and narrower which is concerning regarding access. There is currently very limited access to the area above the dam as it is. Water usage and water withdrawals from this river affect recreational access a lot. We have to address low flows due to water withdrawals and climate change. But that is separate from dam removal and they should both be pursued.

Steve Calder, 15 Second Street, asked what does the town currently pay for liability insurance for the dam? Steve said he would also like to know what the impact will be to the wetlands in the area. Will they be washed out and will that make flooding worse?

Eric Krathwohl, 8 Fifth Street, said there are at least three other access points to the river.

Gordon Harris, 17 Mill Rd, said that Thomas Franklin Waters wrote that after the Choate Bridge was built when the herring run was happening, people would dip baskets off of the bridge and would come up with baskets full of herring. An article was written in 1890 that talked about people fishing for herring and then all of the sudden the herring stopped.

Denis Markiewicz, 37 Fellows Rd, said the feasibility study mentions the upper falls which is where the first dam was built. Denis asked where the first fish ladder was. If the dam is removed, we are also going to destroy the historical upper falls.

Chris Cerino, Broadway Avenue, said he went on a tour of dams and bridges. The first fish ladder was built in 1747. Until the herring have a place to spawn, they won't come back. There are a lot of issues between Hoods Pond and the Ipswich River. Maybe once those issues are addressed, maybe that's the time to look at removing the dam.

Ken Purington, Linebrook Rd, said he would like alternatives to be looked into. It doesn't seem like we should only be looking into one option. Ken also asked if dams have been removed that are this close to a shellfish area. Ken said he finds it hard to believe that after 400 years of a river being dammed that there is not going to be a change to the shellfish. Ken said he went to the Herring Festival in Weymouth and they do it all with a fish ladder so he doesn't see why we can't put the fish ladder in here.

Sarah closed the public comment portion of the meeting. Sarah asked Neil about the supplemental information he is going to be providing. Neil said coming out of the two MEPA public meetings, the MEPA analyst submitted us a list of issues to further address with supplemental information. One of which was the evaluation of sediment migration downstream with the potential impact of clam flats. This is underway. One was a more detailed alternative to dam removal analysis. The other one was addressing the ENF thresholds that affect the wetlands. Linda asked when the town will have this information, Neil said as soon as its ready. MEPA will take that supplemental information and will include it in the process. Linda said there is not enough time for the town to digest the information before the comment period ends. Neil said they would have to extend the comment period.

Sarah said currently the MEPA comment period ends October 10. The anticipated return of information from MEPA is on or around October 16. They will either issue an EIR certificate which states we have gone through the MEPA process, or we could hear back from them that we did not get the EIR waiver and have to provide more information.

c. Next steps

Sarah said she thinks people are looking for a plan for the Select Board. Assuming for conversation purposes the town is granted the EIR certificate, the next step would be to initiate formal permitting for the project, which would take a few months. It would be disingenuous to move forward with those permits if we haven't committed to removing the dam.

Linda asked what the target date would be for the Select Board to vote yay or nay. Sarah said after we receive the certificate from MEPA it will take a few weeks to review public comments and input. Linda said we have an election coming up for the Whittier School override, and she wondered if we could have a separate ballot at that election to express the town's desire or disinterest for the dam removal. Linda said she would strongly support taking a ballot vote, this is a very important issue. The previous Town Meeting vote was not truly representative of the entire community. Michael said committees have ballot vote questions to get a feel for what the town wants. Considering this project would have a very wide impact, he doesn't see how we could move forward without doing a ballot vote. There has been a lot of input from the public on this issue and we need to have the ballot vote as another resource to make this decision. Even if we do a ballot vote, the Select Board would still need to vote to keep or remove the dam. Charlie said he thinks it's a passionate enough issue on both sides that people should have the opportunity to vote. Michael said if the timeline of the Whittier vote is unknown, we know we have a vote in the spring. Charlie asked what the time frame is to make a decision after the MEPA certificate is issued. Neil said he isn't sure of the timeline but he doesn't think there is a reasonable deadline. Sarah asked at what point in the permitting process would we apply for the grant for the removal. Neil said there are many different times they can apply for grants. Michael said he thinks we should make the question as simplistic as possible that way there is no confusion about what it is for. And we should also make it known that it is a

non-binding vote. Michael said he is still concerned about the unknown liability that the town would be held to regarding the dam. Stephen said the town has a general liability policy, he doesn't think the dam has its own rider for it. It needs more research for it.

Charlie said there has also been some alternatives to dam removal and he thinks that would be good to look into. Sarah said that is included in the supplemental information that is due on October 3. That would help to build confidence within the town that we are making the right decision, either way.

VOTE: Motion made by Michael for the Select Board to intend to put this question "should the dam be removed or not" on an upcoming ballot within this fiscal year, pending the results of the MEPA certification".

VOTE: Linda moved that a ballot vote will be held on dam removal prior to the Select Board making its decision, following the MEPA certification process. Seconded by Charlie. The motion passed unanimously 4-0.

Michael said maybe it would make sense to have this vote after we know what the election is going to be for the school, after the MEPA certification gets approved, and when Carl is present so there is a full board. Perhaps they should hold off on that commitment for now. Charlie said he thinks we should leave here tonight with the decision that it is the sense of this board that we will seek a referendum before a final decision is made. We wanted to leave here tonight with a plan and that should be an important part of the plan. We don't have to go into specifics about when it's going to happen.

5. Adjourn – S. Player

VOTE: Motion to adjourn made by Michael, seconded by Linda. The motion passed unanimously 4-0.

Respectfully Submitted By
Alyson von der Esch
September 26, 2023