

MarketStreet Advisory Committee (MSAC)

Meeting Minutes

March 22, 2018

7:00 p.m. – 8:45 p.m.

Merritt Room, 600 MarketStreet

**Attendance: J. Bayer, P. Parziale, J. Fleming, S. Yerardi, A. Ferullo,
W. McKenzie, A. Mitchell, G. Covino, J. Gioioso, B. Charville, P.
Doucette, D. Breen, R. Dalton**

Absent: T. McClory

**Guests: T.Tye (National Development), K. Weatherbee (WS
Development), D. Straus (National Development)**

NEXT MEETING: WEDNESDAY APRIL 4TH

TOWN HALL: J. MANEY ROOM 7:00 P.M.

1. Chairperson, Ms. Bayer, calls meeting to order
2. Agenda review, meeting goals and expectations
3. Vote on minutes from 3-08-18 meeting
 - a. Chairperson Bayer reviewed the open meeting laws regarding the recording of meeting minutes. Memorandums not referenced, read or handed out during the meeting may not be inserted into the meeting minutes as public record.
 - b. Motion was made and seconded to move to a vote to approve the minutes minus Mr. McKenzie's memorandum that was not reviewed, referenced or handed out at the 03-08-18 meeting.
 - i. Motion carried.
4. Comments from Chairperson Bayer regarding a newspaper article
 - a. Regarding the last meeting: doesn't believe a true reflection of all comments were mentioned in the article. Felt it important to share this information.
 - b. Additionally, the motion made at the last meeting caught a few of the MSAC members off guard. In hindsight the motion most likely should have been postponed until we could learn more.
5. National Development to provide and speak to proposed language to amend a zoning by-law (see attached presentation by Ted Tye, ND)
 - a. Interest in changing 40K sq. ft. of office space to cinema space.
 - b. Ted Tye commented and explained that this is not "spot zoning" as mentioned in a previous MSAC meeting public comment. If for some reason the theater ever went out it cannot be replaced with anything other than what is allowed under the zoning law.

- c. Gene Covino: We need to consider, not pro & con cinema, fact that not allowed gives us an opportunity to voice concerns. Keep an open mind what we are talking about here. The land will be developed no matter what. i.e. Sagamore will go for a by-law change, if not approved it could end up with multiple single-family homes. This project is far too important for the future of Lynnfield financially not to listen. As a committee we should be front and center.
 - i. Ted Tye: Our challenge will be to show you currently what's permitted and what is allowed.
 - ii. Gene Covino: My role is a financial committee rep to the project, I am looking through a financial lens.
 - iii. Ted Tye: Hired an outside consultant with economic comparison.
- d. Brian Charville to Ted Tye: Do you think a theater is the best use?
 - i. Ted Tye: Always felt aligned with Lynnfield. We're always looking to see how to keep the center viable. There have been changes in tenants since opening. Bowling, painting, skating all critical to the success of the project.
 - ii. Brian Charville: Change "may to shall", would you consider?
 - iii. Ted Tye: Yes, easy to change.
- e. Anne Mitchell: Specific theater location, if it didn't make it what could go in its space?
 - i. Ted Tye: Could be used for any allowed use in that location but only a theater could be in the same space.
- f. John Gioioso: 3 to 1 parking = 288 spaces. Is there a designated location?
 - i. Ted Tye: We are coming back with a parking analysis. We have heard feedback about the location being too close to LIFE. Looking for alternatives.
 - ii. John Gioioso: Concerned about aesthetics on 45' height restriction.
 - iii. Ted Tye: One story 45' would only apply that piece. Aesthetics will be important even though tucked away.
 - iv. John Gioioso: If theater not passed by town vote what are the typical type of uses for this section?
 - v. Ted Tye: A mix of allowed uses
- g. Wally McKenzie: Same number of seats proposed last year?
 - i. Ted Tye: Yes
 - ii. Wally McKenzie: Are you asking to change 40k square feet of office to retail representing 10% increase of retail?
 - iii. Ted Tye: Asking for 40k square feet of office to change to retail however there is no increase to the 475k total square footage.

- iv. Wally McKenzie: My only point, I believe office traffic will be different from retail.
 - v. Ted Tye: Yes, of course.
- 6. Traffic and parking subcommittee presentation
 - a. David Breen: Status update: Missing facts to complete the presentation, Theater, Building 1350 impact etc.
 - i. Prior to construction of MarketStreet the chief was asked by the town administrator to do a security plan.
 - ii. 2016 holiday traffic back-up was drastic
 - iii. 2017, sat down with the GM of MarketStreet and came up with ideas to alleviate traffic back-up. This year it was greatly improved.
 - b. Sal Yerardi: Traffic (see presentation discussed attached)
 - c. Jocelyn Fleming: Traffic (see presentation discussed attached)
 - d. Dave Breen: Some of the points presented by Jocelyn Fleming were an issue in 2016. (a) Mitigation plans offsite, MA DOT will be included, it is their property. (b) Smart lighting will mitigate some of this traffic. (c) Looking for a dedicated lane to turn into MarketStreet. Residents traveling N on Walnut have to wait 2-3 light cycles. (e) Parking is extremely difficult to make any recommendations without theater and building 1350 up and running.
 - e. Anne Mitchell: Will there be an analysis on accidents?
 - f. David Breen: Already in development. Need to take a deeper look.
 - g. Sal Yerardi: Parking (see presentation discussed attached)
- 7. Public Comment on Traffic and Parking
 - a. D. Basile 15 Fernway: Pleased to see meeting advertised in the newspaper. My own homework MA DOT traffic accidents are at 29% where Saugus, Peabody and Stoneham are in the negative numbers. Neighbors only care about public safety. I think traffic issues are being ignored. Parking, 12 spaces near Lahey will all go to handicapped.
 - b. Joe DeMaina Alexandra Rd: Traffic, biggest problem we have is the volume. The underpass to get to 128, only 5 car lengths, as a result back-up. In both directions a lot of traffic causes traffic jams. I don't know what the solution is. The more traffic we get, the worse the situation. Sooner or later there will be gridlock.
 - c. Sara Teague 250 Walnut St.: Traffic and speeding is so bad it makes sidewalks inadequate. There is no policing of speeding. Worried about volume. Can't walk without extreme caution.
 - d. Stephanie Hines: Concerned about comment made by Chief Breen may not be correct. Traffic better in 2017 vs 2016? How was determination made? Seems just as bad. May just be re-routed in town.

MOTION TO EXTEND MEETING 15 MINUTES MADE BY
CHAIRPERSON BAYER. MOTION CARRIED.

8. Expectations for next meeting;
 - a. Chairperson Bayer discusses this committee commitment is complete on June 30th. MSAC has been asked by the BOS to provide advisements.
 - i. Dick Dalton: Would like a report to the BOS on MarketStreet advisements if any. Urge the committee to look at a schedule that brings conclusions in a relatively quick time period.
 - Anne Mitchell: We spent a lot of time on berm, noise etc. The theater is a big issue, at this point it would be helpful to know when ND is coming to town meeting. If next fall, we need resident feedback etc. We spent a lot of time on less major issues. Recommend not to end June 30, not to rush theater discovery.
 - Ted Tye: Will not be spring 2018, looking at Fall 2018 or Spring 2019. Could have a lot of information within a month.
 - Anne Mitchell: As a committee we need to discuss how we want to define issues.
 - John Gioioso: Agree with Anne. This body should put forth observations and recommendations to the BOS. We should summarize our position as a committee and rate.
9. Adjourn: 8:45 p.m.

Resident Concerns and Comments

As residents are invited to our meeting of March 22, 2018, we expect further concerns and comments to be presented from residents. Therefore, our findings and recommendations will be updated accordingly.

Since the opening of MarketStreet, traffic has been one of, if not the main concern of many residents. It does not matter the season, day of the week or time of the day, there is bound to be traffic as you approach MarketStreet. The traffic affects anyone traveling around the area, not just those individuals heading into MarketStreet.

Heading south on Walnut Street, you may have to wait for a few lights before you can make a right-hand turn into MarketStreet. Currently, there is not enough room for a car to make a right-hand turn into MarketStreet while traffic is stopped going south on Walnut Street.

Heading north on Walnut Street, you are sometimes backed almost into Saugus due to the timing of the lights and the buildup of traffic.

Traffic backs up taking a right or left from Salem Street onto Walnut Street due to the timing of lights. Residents have commented about sitting through several lights until they are able to take a turn.

At times, especially on the weekends, traffic is backed all the way up the ramp to Route 128, which makes residents angry as they sit in traffic just trying to get home.

Building 1350 (Lahey Building) is planned to open later this year. Residents are concerned with the increased levels of traffic that will be added to the already busy area and the impact to parking.

Although traffic may be an indicator that business is booming at MarketStreet, it can also cause people to avoid the area and go elsewhere for the shopping and dining experience. With the one-way format, traffic occurs and there are not many options to exit the loop once stuck in the traffic. Furthermore, there is not enough room to drive around someone waiting for a parking space, which causes more traffic.

HEATHER DR. AND KING RAIL DR. INTERSECTION

Residents of Colonial Village expressed their concern when taking a left turn into Heather Drive from King Rail Drive. At that intersection, where the roadway curves, is a retaining wall that residents say diminishes the view of oncoming and speeding cars when a driver is in the process of making a turn.

Colonial Village residents concerns include:

1. Was the site plan approval process for incorporating the retaining wall properly implemented?
2. Do the road design and traffic control devices for this private road need to comply with state and federal regulations?
3. To what degree are roadway violations enforceable by the Police?
4. What is the impact of the aforementioned concerns on the success of current and future traffic improvements at this intersection?

This Advisement has been conducted as follows: (1) Identify and review the source documents, (2) confirm and document the development drawings which show the retaining wall and approval, (3) determine National Developments position related to compliance for roadway and traffic control devices on a private road, (4) determine enforcement of roadway violations and (5) provide recommended traffic improvements.

The subcommittee has determined that the retaining wall has been identified on development drawing LR-2.2 with the July 30, 2013 issue of plans. The decision letter of September 3, 2013 provided Planning Board approval of the July 30, 2013 plan submittal. The grading plan was not part of the July 30, 2013 issue.

During October 2017 the subcommittee met with Douglas Straus of National Development to discuss the various elements of this Advisement and to address questions regarding compliance issues on a private road. National Developments consultant Stantec responded, in writing, to our four questions as follows: (1) "As a private road we are not required to comply with AASHTO (American Association of State Highway and Transportation Officials) and MUTCD (Manual on Uniform Traffic Control Devices). MGL (Massachusetts General Law) is very broad but any pertinent portions of MGL would need to be complied with, (2) Our design utilizes best practices for private roadway design and is based on our experience in private land development projects, (3) Our design standards and best practices consider AASHTO and MUTCD and our experience in the design of private roadways and (4) Our design utilizes applicable best practices for private roadway design". The full memorandum has been documented and is available for review.

The subcommittee has determined that this response, prepared by National Developments consultant Stantec represents its professional opinion and fulfills the documentation requirement of this issue.

Enforcement of roadway violations is addressed in MGL Chapter 60 Sections 17 and 18, which covers speed limits and special regulations, respectively, for persons operating a motor vehicle. Section 17 states that no person operating a motor vehicle on any way shall run at a rate of speed greater than is reasonable and proper. If the way is not posted in accordance with section 18 than it shall be prima facie evidence of a rate of speed greater than is reasonable and proper. That is evidence, which is sufficient to establish a fact or sustain a judgment unless it is rebutted or contradictory evidence is produced.

There have been a number of traffic devices installed during 2016 and 2017 with the intent of slowing down traffic as it approaches the Heather Drive and King Rail Drive intersection. The following additions were not found to be effective in slowing down traffic to safe levels:

1. Dangerous Curve Ahead signs on King Rail Drive approaching Heather Drive from the East and West.
2. Stop sign at Heather Drive exiting onto King Rail Drive.
3. Stop sign and stop line installed at the MarketStreet entrance off King Rail Drive, near the golf course entrance.

National Development has provided the following two proposals:

1. 3-way stop located at the intersection of Heather Drive and King Rail Drive.
2. Installation of speed humps installed at two locations on King Rail Dr. near Heather Dr.

The subcommittee has determined that the installation of the speed humps has been effective in meeting the objective of slowing down speeding vehicles to a safe and acceptable level and recommends their current use. For safety purposes, the rubber speed humps should be removed and reinstalled annually, according to the MarketStreet Operations Schedule. Since the current speed hump installation is temporary (removed during winter months), National Development should continue work in finding materials and installation methods that would work safely with snowplows and result in year-round use.