**MarketStreet Advisory Committee (MSAC)**

**Meeting Minutes**

**October 26, 2017**

**7:00 p.m. – 9:00 p.m.**

**Merritt Room, 600 Market Street**

**Attendance: J. Bayer, R. Dalton, D. Breen, P. Parziale, B. Charville,**

**J. Fleming, S. Yerardi, A. Ferullo, W. McKenzie, G. Covino, A. Mitchell,**

**J. Gioioso, P. Doucette, T. McClory**

**Absent: None**

**NEXT MEETING: THURSDAY NOV. 30, MERRITT ROOM 7:00 P.M.**

1. Chairperson, Ms. Bayer, calls meeting to order
2. Agenda review, meeting goals and expectations
3. Vote on meeting minutes from 9-28-17: Passes
4. Noise sub-committee presentation:

Paula Parziale, Anne Mitchell (presentation attached)

Presentation made by Anne Mitchell

* 1. Discussion among committee members;
     1. Dave B.: 9 decibels are a bit frustrating. The property previously on the lot was over 9 decibels.
     2. Wally M.: 2007 it went into the agreement to protect the neighborhoods. 2011 the attorneys reviewed again.
     3. John G.: Maybe attorneys agreed with 9 decibels because they knew it wouldn’t be enforced.
     4. Phil D.: Promise was made for MarketStreet. There should not be a town wide by-law for 9 decibels.
     5. Wally M.: 9 decibels may not be the right number. Residence is a half mile away and shouldn’t hear when band is playing on the green. But sound travels.
     6. Phil D.: 9 decibels are barely audible
     7. Wally M.: Maybe should be 20 decibels at lot line.
     8. Dave B.: Our conversation we are having is louder than 9 decibels. Brookline has a noise by-law. Leaf blowers are banned there.
        + If we had a town wide by-law based on this decibel, lawnmowers etc. would be at risk. Peabody District Court would most likely would not support it.
        + Approves of noise sub-committee recommendation, feels it is spot on.
     9. Wally M.: Will there be any blasting at new construction building 1350?
        + Nanci Horn, GM MarketStreet: Not anticipated
     10. Wally M.: If a noise complaint arises, who should receive the call?
         + Richard Dalton: First call to MarketStreet, next call Town Administrator.
     11. Wally M.: If in 5 years a new management company take over, then what?
         + Richard Dalton: Contact management offices.
     12. Taidgh M.: Future owner will have a professional management company running it.
     13. Gene C.: Any discussion of hauling snow offsite?
         + Nanci Horn: M.St. is considering this.
     14. John G.: 9 decibels, there is a wrong in the agreement, spilled milk. Should we make a reco to change the decibel?
         + Anne M.: Hesitate to make a change at this time. At property line sound, not supposed to hear sound. Looked up the Brookline by-laws for noise which are very detailed. Different decibel levels for different things. Wouldn’t want to send a message to residents we are chipping away at the agreement.
     15. Phil D.: Don’t make a town wide by-law. Community things such as concerts on the common would not happen.
     16. Anne M.: Agreement allows for M.St. to ask permission for special events.
     17. Wally M.: Does not support the noise sub-committee’s recommendation against the support of a town noise by-law. Feels it takes things backwards.
     18. John G.: We have identified that 9 decibels is wrong. What are we doing about it?
  2. Public comment;
     1. David Miller;
        + Recollection for 9 decibels was no sound would pass property line.
        + Snow fall at night, can plowing be done during the day vs. 2 am
        + Noise is much better now than a year ago.
  3. MSAC committee vote on noise sub-committee recommendations;
     1. Discussion on the motion:
        + Wally M.: Made a motion: “Ask the board of selectman to create a by-law study committee to implement any noise regulations, `` changes to town by-laws to correctly implement the 2011 development agreement governing noise at 9 decibels.”
     2. MSAC voted on the amendment:
        + Yay: John G., Wally M., Anthony F.
        + Nay: Phil D., Brian C., Taidgh M., Paula P., Jen B., Sal Y., Jocelyn F., Gene C., Dave B..
        + Abstain: Anne M.
          - Motion fails
     3. MSAC voted on noise committee original recommendation:
        + Yay: Phil D., Brian C., Taidgh M., Paula P., Jen B., Sal Y., Jocelyn F., Dave B., Gene C., Anne M.
        + Nay: John G., Wally M., Anthony F.
          - Motion carries (passed)

1. Berm sub-committee presentation:

Brian Charville, Taidgh McClory, Paula Parziale (presentation attached)

Presentation made by Brian Charville

* 1. Discussion among committee members;
     1. Gene C.: Was the current trimming due to MSAC?
        + Wally M.: They cut every fall
     2. Wally M.: Oct.16 meeting, the berm primary purpose to block headlights? Do they have the design standards?

(This comment is about the quote from Doug Strauss from National Development who said that the primary purpose of the berm was to block headlights. This comment was indicating that if he believes that then he hasn't read the design standards.)

* + 1. Wally M.: Referring to watering, Lynn water/sewer etc., sprinklers were going full force. So how was that maintained? 12 trees, great. 30’ gaps between trees
       - Leahy arborist should go look at trees on Alexandra Rd. and Walnut. 12’-14’ high arborvitae
       - Proof will be in the pudding
       - They told Joe DeMaina trees were going in last spring
    2. Richard D.; One of concerns is the huge gaps between trees. Although the intent is good, 12 trees will not fill the berm.
    3. Wally M noted that the design standards call for 50% of the trees on the berm be 10 feet or taller at time of planting.
  1. Public comment: None
  2. MSAC vote on berm sub-committee recommendations:
     1. Discussion on motion:
        + John G.: Has there been any conversation regarding sharing the landscaping/tree planting schedule?
          - Brian C.: Will inquire with ND
     2. MSAC members vote:
        + Yay: 13
        + Nay: 0
        + Motion carries (passed)

1. Expectation for next meeting 11-30-17;
   1. Finance sub-committee report possible for 11-30.
   2. Traffic will be last to report
2. Public comment;
   1. David Miller: MarketStreet should be required to measure sound. ZBA uses all the time.
3. Adjourn