

MEMORANDUM

To: Members of Market Street Advisory Committee ("MSAC")
From: Anne Mitchell, MSAC Member
Re: Comments on National Development's Presentation to Evaluate a Theater Concept
Date: March 8, 2018

Because I am participating in tonight's meeting remotely, and to ensure that my comments are presented clearly to this Committee, I thought it would be helpful to provide my comments in writing.

1. National Development's Suggestions/MSAC's Evaluation Process

I first would like to address my concerns about (i) National Development's ("ND") suggestions on how this committee evaluates a general theater concept (as opposed to a specific theater proposal) and (ii) the evaluation process of this Committee moving forward.

Mr. Tye wants to use this Committee to help ND achieve its goal of passing at Town Meeting an amendment to the zoning by-law to include a theater as an approved use at MarkeStreet. Instead of presenting this Committee with a specific theater proposal (that is, an actual proposed amendment to the zoning by-law) for this Committee to evaluate objectively, ND wants to work directly with the MSAC and to provide consultants to "assist" this Committee in evaluating generally a theater concept for MarketStreet and thereafter come up with a proposal that it then can present to Town Meeting with "buy-in" from this Committee.

Based on its presentation, ND is attempting to direct (i) the role/mission of this Committee (slide 2 from the PowerPoint presentation), (ii) the main issues to be addressed (slide 2), (iii) the consultants to be used in our evaluation process, and (iv) our meeting schedule (which recently has been every 2 weeks and in the month of March, with the added theater visit proposed by ND, it is 3 weeks in a row).

As a Committee, we have not yet had any substantive discussions or deliberations on ND's suggestions. There are a few key points I am asking this Committee to consider:

- **Committee's Deliberation and Agreement on Process.** ND should not be allowed to direct how this Committee addresses a theater concept or any future theater proposal. We, as a committee, should collectively be discussing and deciding:
 - i. the issues/concerns we are to evaluate – which during our initial meetings and as outlined in our Opportunities and Outcomes document, we agreed as a committee to evaluate a "potential theater/cinema proposal;"
 - ii. our meeting schedule (ND previously proposed meeting every couple of weeks - a schedule we recently have had without any committee discussion or input);
 - iii. the format of the meetings (e.g., under what circumstances we limit a committee member's time to speak on a topic at a meeting);
 - iv. the substance of the agendas for the upcoming meetings; and
 - v. the process we use to evaluate issues/concerns brought before the MSAC.
- **MSAC's Mission.** Unlike other issues considered and evaluated by this Committee to date, the theater is not an approved use under the current zoning by-laws for MarketStreet. As an advisory committee, it is not our mission to work directly with or for ND to evaluate a general theater concept or to help develop a theater proposal for ND

to propose at Town Meeting. As noted in the November 30th minutes, Mr. Tye told us that he is looking for this Committee to recommend a theater for MarketStreet.

We are an advisory committee to the Board of Selectmen, a Board which represents the residents of this Town. As an advisory board, and consistent with the list of issues/concerns we developed during our initial meetings, we previously agreed that this Committee would evaluate a theater proposal brought forward by ND. How can we make any determination about whether or not to recommend a theater for MarketStreet without a specific proposal? And like other issues we have evaluated and advised upon, this town advisory committee should do its fact-finding and evaluation objectively and without ND's direction or influence. I am not suggesting that we do not speak with or seek input from ND on various issues, as we have done for other concerns, but this Committee should be directing this evaluation process, not ND.

- **Theater Concept v. Theater Proposal/Timing of Evaluation.** ND recently represented that it will not be bringing forward a theater proposal to Town Meeting until sometime next year. Not only are we being asked to evaluate a theater "concept" without a specific theater proposal well in advance of this issue going to Town Meeting, but we also are being asked to address certain significant issues now which likely will change over the next several months and year. For example, how can we evaluate traffic impact from a theater now without knowing what the traffic impact will be from Building 1350 where the Lahey Clinic will be located?
- **Efficient Review of a Theater Proposal.** We are all volunteers on this Committee and have dedicated a lot of time to addressing issues/concerns (many of which were raised by the residents) as it relates to MarketStreet. Meeting every two weeks is asking this Committee to dedicate a significant amount of time to address a general theater concept (without a specific theater proposal) and some (but not all) of the issues related to a theater. For context, I would encourage everyone to look at the last proposed zoning by-law amendment that was listed in Article 23 of last year's Annual Town Warrant (at www.town.lynnfield.ma.us/sites/lynnfieldma/files/uploads/2017_annual_warrant.pdf). Once we receive a specific theater proposal in the form of a proposed amendment to the zoning by-law, this Committee will have a lot of work to do.

We need to be mindful of the Committee members' time and efforts and should seek to evaluate a specific theater proposal (not a theater concept for MarketStreet generally) in an efficient manner. Otherwise, we could be doing this evaluation process twice.

2. Additional Issues to Be Addressed When Evaluating a Theater Proposal

My suggestions for additional issues to be addressed by this Committee in connection with a theater proposal received by ND are as follows:

- **What Are Long-Term Impacts of Rezoning for a Theater/Entertainment?** Rezoning MarketStreet to include a theater/entertainment use is a substantial change with many, significant impacts. This zoning change will affect the entire development; it will not be limited to the location next to Gaslight. Once this development is rezoned, the Town will have no say on what theater/entertainment business comes to MarketStreet and where it will be located at MarketStreet. This issue needs to be explored and evaluated.
- **Concerns Regarding Long-Term Viability of Movie Theaters.** One of the issues noticeably absent from ND's list of issues (slide 2) is the long-term viability of movie theaters.

- It is well known that there has been a steady and consistent decline in movie theater revenues over the past several years, which analysts suggest will only continue with significant competition from live streaming. In light of this steady decline, the long-term viability of movie theaters should be an issue this Committee reviews and evaluates. In fact, live streaming is doing to movie theaters, what Mr. Tye and Mr. Masiello told us at the last meeting that Amazon Prime has done to traditional retail business.
- As a Committee, we also need to consider the uncertainty of the future of movie theaters and what the theater/entertainment use could turn into for MarketStreet and the Town of Lynnfield if the movie theater fails. What will be scope of the theater/entertainment use at MarketStreet if the zoning changes?
- ***Resident Feedback/Consideration of the History of MarketStreet.*** The list of issues also should include feedback from residents, especially neighboring residents. For the residents of this town who were promised no movie theater or cinema in exchange for their support at Town Meeting for this development, the past, and more specifically, ND's representations and promises to these residents cannot, and should not, be ignored as part of our evaluation process. As a town-appointed Committee, the concerns of the residents should be a priority (as it has been with the other issues we have reviewed, including traffic and noise). In many ways, the residents' concerns should be given an even higher priority, because a theater currently is an unapproved use.

3. Motion

Consistent with the Committee's agreed upon list of issues and concerns, I am proposing, that this Committee first request ND to present a specific theater proposal (that is, its proposed zoning by-law) for our review and evaluation. Thereafter, this Committee, as a group, should decide on the best and most efficient process for (i) reviewing a specific proposal from ND, (ii) conducting discovery and fact-finding on ALL of the relevant issues as determined by the Committee (which will include seeking information and input from ND and residents), and (iii) agreeing on any advisement/recommendations.

I would like to make the following **MOTION** to be voted on by the Committee:

I move that the MSAC, before spending any further time and resources on evaluating a general theater concept for MarketStreet as suggested by National Development,

- (i) **request National Development to provide a specific theater proposal (which shall include the actual proposed language to amend the zoning by-law) for this Committee's review and evaluation, and**
- (ii) **after receiving and reviewing the specific theater proposal, that this Committee decide on the process for (a) reviewing the specific theater proposal from National Development, (b) conducting discovery and fact-finding on all of the relevant issues, and (c) agreeing on an advisement/recommendation on the theater proposal.**