

**MarketStreet Advisory Committee (MSAC)**

**Meeting Minutes**

**June 28, 2017**

**7:00 p.m. – 9:00 p.m.**

**Merritt Room, 600 MarketStreet**

**Attendees: J. Bayer, P. Parziale, T. McClory, A. Ferullo, P. Doucette, D. Breen, J. Gioioso, J. Fleming, G. Covino, A. Mitchell, W. McKenzie, S. Yerardi, Selectman D. Dalton.**

**Absentees: B. Charville**

**NEXT MEETING: THURSDAY JULY 27, MERRITT ROOM 7:00 P.M.**

1. Chairperson, Ms. Bayer, calls meeting to order
2. Agenda review
  - a. Last meeting in the organizational phase
  - b. Clear guidelines will be set
3. Meeting Minutes vote
  - a. No discussion
  - b. Motion to approve, seconded, motion carried.
  - c. Minutes forwarded to town clerk by Chairperson Bayer
4. MSAC Opportunities and Outcomes (O&O) document
  - a. Firm up roadmap of O&O, how we plan the process
  - b. Each coordinator will present
    - i. Open up for discussion
    - ii. All feedback will be considered for O&O
  - c. BERM PRESENTATION:
    - i. Taidgh McClory presented as prepared by subcommittee coordinator Brian Charville.
      - Concerns: Does the berm comply with what was approved to date? Does the berm as designed and built achieve the purposes for which it exists? Is National Development satisfied with the berm today? If not, how does ND plan to improve it? How would neighbors and other stakeholders like the berm to be improved?
      - Subcommittee volunteers and other resources: Adequate at present.
      - Discovery & Resources:
        - introductory email to National Development introducing us and our subgroup's role and asking that they facilitate a tour (and, if

needed, provide a copy of the site plan and amendments)

- compilation of the site plan elements (documented design) and Design Standards sections that speak to the berm (Brian will coordinate obtaining site plan documents from Planning office and others, and he will excerpt the applicable Design Standards; target completion - July 28)
- tours by subcommittee members of the berm, rooftops of existing buildings at Market Street, abutters' properties (if access offered by abutters, to include both day and night views) and portions of the Market Street site that relate to the berm (any such tour to be in cooperation with Nat'l Development); target completion - August 18
- outreach to abutters to the berm (complementing tours of their properties, if allowed) - obtain a list of abutters from the Town, contact them and compile their feedback on the berm to identify practical deficiencies from their perspectives; target completion - September 1.
- Reporting Findings:
  - The subcommittee anticipates compiling its findings and stakeholders' concerns and recommendations in a memo to the MSAC. Target completion - September 30.
- Discussion/Comments
  - Dick Dalton: We should define and expand the abutters to include neighborhood and all those residences who are impacted by the berm construction and not just those who are actual abutters.
  - Wally McKenzie MSAC: Building 1350 is going to be built after the time this report is complete; therefore, to accurately assess the visual impact from the abutter/neighborhood vantage point, we should suggest that ND implement a device (floating a balloon) to see where the rooftop is as relation to the abutters.
  - Wally McKenzie MSAC: In the Design Standards, the Planning Board has started to review the language (should vs. shall)

Therefore, one of the action items for the subcommittee to include reviewing the Design Standards in concert with the Planning Board.

- Dick Dalton – We need to recognize the Planning Board's involvement and decision (regarding) this review is the lead. This committee can add feedback and recommendations.
- Jocelyn Fleming MSAC: Can we compile a document that captures the public feedback so that they know that their concerns are being heard?
- (Public Comment) – Who is responsible for the PVDD zoning laws, but the people who have jurisdiction is the ZBA (confirmed by Jim Boudreau)?
- John Gioioso MSAC: Suggestion that as part of the discovery, the subcommittee should confirm to make sure the Berm was built according to the documents.

d. TRAFFIC IMPROVEMENT:

- i. Subcommittee coordinator Chief Breen presented the O&O for traffic improvement.
  - General safety issue regarding Heather Dr.
  - 3-member subcommittee sufficient
  - Feedback
    - Resident feedback
    - National Development feedback: in touch, a few times weekly
    - Speed bumps installed
    - Toured sight with town administrator
    - Spoke with Nanci Horn and Doug Strauss June 28<sup>th</sup>
  - Traffic Study
    - Not a fan, not agreeable with outcomes
    - Stopped traffic from entering MStreet on black Friday, complete back up.
    - Phase 3 will increase traffic flow
    - Parking should be added to improve traffic
    - Cooperation not expected from Wakefield regarding signs directing traffic to exit 42
  - Regarding Colonial Village
    - Left turn onto Heather Dr.: if the turn is done properly, the sight lines are sufficient.

- N. Development installed a speed bump to slow vehicles down approaching in the opposite direction.
- Speed bumps diminish “cut through” as Rt. 95 backs up
- Comments:
  - resident Mitchell Afrow (sp) commented that the speed bumps are tearing up his car.
  - resident Dave Miller commented that speed bumps are a band-aid since they are removed in winter. A more permanent solution is needed.
- Saturday observation by the Chief: Traffic backing up to highway
  - Chief Breen will contact MA DOT to review and visit site
  - Some thoughts to alleviate the backup include widening the exit ramp of 95S or right turn on red possibility.
- Sal Yerardi presented the following document which describes the background and goal for this Opportunity (Full memo copied below);

#### OPPORTUNITY:

#### HEATHER DR AND KING RAIL DR INTERSECTION

- BACKGROUND:  
During a L.I.F.E Board of Directors meeting in April 2016 residents of Colonial Village expressed their concern over what they observe as a potentially dangerous situation when cars are turning onto Heather Dr. from King Rail Dr. This was especially true when the cars are taking a left turn. 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. Resident concerns, over time, included both questioning the process that led to the building of the wall and to the suggested traffic improvements. These concerns are as follows: (1) was the site plan approval process for incorporating the retaining wall properly implemented, (2) do the road design and traffic control devises for this private road need to comply with state and federal regulations, (3) to what degree are roadway violations enforceable by the Police and (4) what is the impact of the aforementioned concerns on the success of current and future traffic improvements at this intersection. During May 2017 the Market Street Advisory Committee (MSAC) was established to address such issues and to advise the Board of Selectman and the Town of Lynnfield.

- GOAL:

The goal for this opportunity is to provide for safe and reliable travel at the intersection of Heather Dr. and King Rail Dr. This will be accomplished with the development and implementation of a Traffic Improvement Plan that addresses resident concerns when cars enter Heather Dr. from King Rail Dr. At

the completion of this plan MSAC will bring it before the Board of Selectman and Town of Lynnfield with their recommendation.

e. NOISE MANAGEMENT IMPROVEMENT:

- i. Subcommittee coordinator Paula Parziale presented the O&O for noise improvement.
  - Concerns
    - Snow removal
    - Landscaper hours of operation
    - Delivery truck hours of operation
  - Resources and compiling information: 5 phases
    - Schedule a meeting with M.St. management and sub-committee.
    - Review noise compliance with M.St. management to understand any regulations in place by M.St.
    - Contact residents regarding their concerns with noise related issues
    - Schedule a second meeting with M.St. management to discuss residents' concerns
    - Discuss ideas/opportunities for improvement in these areas
  - Report to MSAC;
    - The noise sub-committee for O&O projects this process to be completed by 9/15/17.
    - The sub-committee will then submit recommendations to the MSAC
  - NOISE side notes;
    - Construction will begin on ph. 3 / Lahey, noise will increase during this period.
      - i. What hours will be allowed.
      - ii. Proactively communicate the beginning of construction to the neighbors.
    - Snow removal
      - i. As previously mentioned by Chief Breen, regarding dumping snow away from residential area (where there is an unused golf hole) would require a small road to be built for access, due to the proximity to the

Saugus river this is on the conservation committees desk.

- Contacting neighbors
  - i. Berm improvement and noise management subcommittees will combine efforts to meet with neighbors
  - ii. MSAC will discuss best way to meet with neighbors

f. ADVISEMENT ON DEVELOPMENT OF BUILDING 1350:

- i. John Gioioso presented on behalf of subcommittee coordinator Brian Charville.
  - Design complete in May by the planning board.
    - Detailed construction drafts
    - MSAC informed by National Development (ND) at June 15 meeting the building was in the process of having detail construction documents drafted.
  - Current Status:
    - Mr. Tye, National Development, described that work was for design of the base building and detailed coordination of interior improvements for the major tenant.
    - Mr. Tye stated plans to be under construction by Oct. and have initial occupancy in approx. one year, Oct. 2018
    - ND ensured the subcommittee (Brian Charville and John Gioioso) will be updated as they approach construction.
    - An update of status of construction documents in early August, if not earlier.
  - O & O spreadsheet, remove "Design- height & location" – they were ordained as part of the design – review process to date with the planning board.
    - Updating on development of bldg 1350 would be accurate entry in the "MSAC Opportunity" column the bldg 1350 row.
    - In terms of Discovery & Resources, please add a bullet point for "Design Standards" and expand the Lahey bullet point to "Lahey & Other Tenants".
  - Comments:
    - Dick Dalton wanted to keep design standards for facade in subcommittee work flow.

- Anne Mitchell, part of the Noise Management Improvement Opportunity subcommittee, asked if Blding 1350 subcommittee will monitor the noise with the start of construction.
- Public comment: investigate if town has a noise regulation law.

g. ADVISEMENT ON DEVELOPMENT OF MOVIE THEATRE:

i. Subcommittee coordinator Taidgh McClory presented the O&O for the development of movie theatre.

- Objective: The Theater/Cinema Subcommittee will lead a discovery, fact finding and analysis project to determine the \*perceived\* potential impacts of any future \*proposed\* Cinema at Market Street following the action steps below in sequence. The process and outcome will be based on the stated mission of MSAC (“to establish a means of effective and ongoing communication for Lynnfield residents, Town of Lynnfield representatives and WS Development and National Development, the firms that manage Market Street Lynnfield”)
  - Review the history of the cinema/multiplex as a prohibited use as part of the original PVDD agreement
  - Obtain information from ND/WS regarding its future proposal to change the zoning by-law to add a cinema/multiplex and the scope of the proposed cinema/multiplex, and, thereafter
  - Gather feedback from the neighbors/residents of Lynnfield about changing the zoning by-law to include a cinema/multiplex based on the information obtained from ND/WS about its future proposal
  - Once ND/WS and resident feedback/information is compiled, the committee will then determine what further “discovery” and “resources” are warranted.
- Existing Known Concerns: The following are existing concerns that have been voiced at MSAC meetings or public forums.
  - A Cinema/Multiplex is a prohibited use as part of the original PVDD agreement
  - ND/WS breached its agreement with the neighbors of MarketStreet not to include a Cinema/Multiplex



- Potential increased traffic congestion
- Potential lack of parking capacity
- Height and other aspects of appearance
- Discovery Resources: Once ND/WS and resident feedback is compiled, the following list of “discovery resources” will be reviewed to make a final recommendation to the MSAC per the stated mission of improved communications.
  - PVDD
  - Town Meeting and Planning Board meeting minutes’ history and other documents
  - History of ND/WS’s Agreement in 2007 Not to Include a Cinema/Multiplex as Part of the Development
  - News Articles on Past Cinema/Multiplex Proposals
  - Past Cinema/Multiplex Proposals from ND/WS (including scope and other potential “uses” under these Proposals) Past Cinema Proposals from National (at MarketStreet as well as National's other projects)
  - ND/WS Feedback on Cinema/Multiplex to be Proposed in Future, including Reasons, Scope & Vision for Proposed Cinema/Multiplex
  - Public Safety Reports
  - Traffic Studies
  - Neighbor/Resident Feedback
- Background & Context:
  - Unlike the other areas of focus (“opportunities/advisements”) that MSAC has been tasked to address (noise, traffic, building 1350, etc.), the theater/cinema/multiplex issue is not currently a defined issue (rather, it is currently a prohibited use). While National Development/WS Development (“ND/WS”) has stated that it intends to again propose another cinema/multiplex in the future, we do not have its anticipated proposal in front of us (and based on ND/WS’s history, these proposals have changed each time ND/WS has made a new request to change the zoning by-law to include a cinema/multiplex, as outlined in the history set forth below).
- Cinema Proposal History:

- 2007 – ND/WS initially planned to include a cinema. To secure passage of zoning by-law, ND/WS agreed to withdraw a cinema as part of the zoning change (1983 people voted).
- 2008 – 510 days after the zoning change was approved, ND/WS came back to the town and asked the town to vote for 360 seat cinema, 38,000 sq. ft. (town rejected proposed change)
- 2013 – ND/WS again came back to the town and requested 1,000 to 1,200 seat multiplex – ND/WS withdrew its requests
- 2017 (March) - ND/WS asks for 800 seat cinema – ND/WS withdrew its request.
- 2017 (October) – ND/WS previously indicated that it would bring the cinema/multiplex proposal back to the town in October; however, in our last MSAC meeting on June 15, ND/WS stated that it will not bring the cinema proposal in October, but possibly April 2018.

- **Comment:**

- Thought of coupling the garage with cinema, b/c there will not be a garage unless there is a theater.
- Concern that ND will present cinema Spring 2018 and that is too soon during construction of Phase 3 (we will not have a true sense of the impact of loss and increased parking issues)

#### h. ADVISEMENT ON DEVELOPING OF PARKING GARAGE BY CPK:

- i. Subcommittee coordinator Sal Yerardi presented the following document (copied) which describes the background and goal for this Opportunity:

- **BACKGROUND;**

- During March 2017, National Development announced their proposal for a Theatre next to the Gaslight Restaurant and a 2-story/3 level parking structure (garage) near California Pizza Kitchen (CPK). National Development withdrew its proposal prior to the April 24, 2017, Town Meeting and has informed the Market Street Advisory Committee that it will not bring the proposal back to Town Meeting until April 2018 at the earliest and stated that

there will be no garage if there is no theatre. The proposed location for the parking garage at CPK abutted the residential neighborhoods at Colonial Village and MarketStreet Apartments. Resident concerns regarding the proposed location generally reflected negatively on this proposal. Resident concerns are as follows:

- a) Location: the structure looms over resident homes and no information has been provided as to why alternate locations on the westerly side or southerly behind Whole Foods were not selected
- b) Traffic and Pedestrian Safety: increased traffic presents a safety issue for walking to MarketStreet
- c) Noise: from users of the garage returning late at night from the proposed theater and restaurant bars
- d) Lighting: lights from cars and garage ceiling lights affecting abutters at night
- e) Aesthetics: the garage façade details, landscaping and screening, footprint and height and car entry/egress locations and signage location have not been provided. During May 2017, the Market Street Advisory Committee (MSAC) was established to address such concerns and to advise the Board of Selectman and the Town of Lynnfield.

- GOAL;
  - The goal for this opportunity is to have a parking structure that meets the needs of National Development, the Colonial Village and MarketStreet Apartment residents as well as the town at large. This will be accomplished with National Developments consideration of resident input on the location and design of the

parking structure. When National Development brings a garage proposal to the town and the design progresses MSAC will provide timely updates to the Board of Selectman and Town of Lynnfield with recommendations.

- Comment:
  - Gene Covino MSAC: Has ND conceded that there is a parking issue? What others may view as an issue they may not.

i. ADVISEMENT ON FINANCIAL IMPACT:

- i. Subcommittee coordinator Gene Covino presented the O&O for Financial impact.
  - Important MarketStreet remains viable
    - Cannot come at the expense of the neighbors
  - Remain open minded, be objective
  - Plan to look at the following;
    - What was projected
    - What actually happened
    - Future forecast
    - Try to tie it back and quantify it back to the town budget
      - i. i.e. meals tax, etc.
  - Although is it easy to determine revenue, it is more difficult to quantify the cost to the town.
    - Example: If Lahey has an urgent care patient that needs to be transported to a hospital they will need to be assisted by the fire dept. If late hour (after fire rescue hours) this will have a financial impact on the town.
  - Chairperson Bayer will add the following question to the AdviseMENT on Financial Impact O&O;
    - How does all the MSt. revenue affect my taxes?

j. OTHER COMMENTS:

- John Gioioso MSAC: Does ND have an emergency plan for incidents.

- RESPONSE by Chief Breen: They should call LPD only. It is not their place to call any shots. The security plan is authored and enforced by the LPD only