

MarketStreet Advisory Committee (MSAC)

Meeting Minutes

April 4, 2018

7:00 p.m. – 8:15 p.m.

Maney Room, Town Hall

Attendance: J. Bayer, P. Parziale, S. Yerardi, A. Ferullo,

W. McKenzie, A. Mitchell, G. Covino, J. Gioioso, B. Charville, P. Doucette, D. Breen, R. Dalton

Absent: T. McClory, J. Fleming

NEXT MEETING: WEDNESDAY APRIL 26TH

Merritt Room, 600 MarketStreet 7:00 P.M.

1. Chairperson Bayer, calls meeting to order
2. Agenda review, meeting goals and expectations
3. Vote on minutes from March 22, 2018 meeting
 - a. Minutes approved as distributed, motion carries
4. Confirm topics requiring further evaluation in order to make sound advisement on theater, confirm discovery action items related to those topics and confirm meeting schedule to get to the June 30th deadline.
 - a. Chairperson Bayer read the MSAC meeting schedule which allows 3 months to learn about a potential theater proposal.
 - b. Document prepared by MSAC member Anne Mitchell was distributed. (see attached)
 - i. MSAC member Dave Breen made a motion to table voting to approve this document until the next meeting 4/26 in order to be more prepared to ask questions and fully understand the document set forth.
 - ii. MSAC member Brian Charville commented that since we are meeting, maybe meet in the middle and go through the document item by item
 - c. Chairperson Bayer stated the MSAC must have a clear list of topics by the end of the meeting.
 - i. MSAC member Phil Doucette commented that sometimes we can get into too much detail, need to focus on important issues. Traffic, parking and public safety. The theater could help with parking due to proposed parking garage although traffic will increase. Why are we concerned with viability of a theater? That is National Developments concern.
 - ii. MSAC member Anne Mitchell stated that we are asking the town to approve a zoning change. Issue merits review by the MSAC.
 - iii. Chairperson Bayer stated there is a motion out to address
 - iv. MSAC Brian Charville made a motion to amend to adopt the MSAC schedule as shared by Chair and adding viability, noise, public safety, public input.
 - v. MSAC Anthony Ferullo stated this already seems to be on MSAC meeting schedule.
 - vi. MSAC John Gioioso commented a modification, may need to add other topics after review.
 - vii. Amended motion made by Brian Charville carried.
 - d. MSAC Brian Charville asked what National Devel. will present on 4/26, if we know data ND will be sharing at the next meeting we would be better prepared for discussion.
 - e. MSAC Gene Covino stated that theater viability should be data driven and received with an open mind.

- i. MSAC Brian Charville asked, 10-15 years ago did people inquire about office/retail viability?
- f. Chairperson Bayer: As a committee we'd like to get more info by topic. Asked Brian Charville if he thought any further discussion needed regarding by-law language.
 - i. MSAC Brian Charville stated not sure any precedent so early in the process where a theater may not even be proposed.
 - ii. MSAC Anne Mitchell asked if we should be asking for more specificity in the language.
 - iii. Brian Charville commented about asking town council to give an opinion, would this be spot zoning?
 - iv. Dick Dalton stated MSAC can recommend to the Board of Selectmen to seek legal opinion. Not all has to be final adjudication by this board. Identify issues to the BOS, it is a matter of recommendation to the BOS what they should be looking at. MSAC is fact finding with public input. The MSAC can spend a lot more time with these details than the selectmen could.
 - v. MSAC Wally McKenzie asked if there was something special with "neighborhood village theater", still a Cineplex.
 - 1. Chairperson Bayer explained that the MSAC will have the opportunity to ask for clarification at the presentation. MSAC may do research on individual topics and come prepared.
 - vi. MSAC Anne Mitchell stated that would not want to be limited to topics on the schedule. Would like the opportunity to revisit.
 - 1. Chairperson Bayer acknowledged that it would be reasonable to revisit.
 - vii. MSAC Gene Covino stated that he brings the concerns of the finance committee to the MSAC
 - viii. Dick Dalton: Plan on June 7 for public meeting to give enough time to communicate to interested residents.
 - ix. MSAC Dave Breen stated that the traffic/safety presentation from his sub-committee hinges on the traffic consultant info around the theater study. For the May 24th traffic committee presentation he will be out of the country. Would like to leave traffic sub-committee presentation schedule open.
 - x. Chairperson Bayer stated the Chestnut Hill cinema visit may be a valuable discovery effort.
 - xi. Dick Dalton stated that he was hopeful the MSAC would tour Chestnut Hill Superlux to see first hand.
 - xii. MSAC John Gioioso asked what do we present to BOS, this is all theater.
 - 1. Dick Dalton: BOS expects from the MSAC a report on all areas that have been worked on: Noise, berm, traffic, parking etc. These detailed reports have been completed, now they need to be compiled.
 - xiii. Chairperson Bayer requested when looking at viability of theater model, to compare apples to apples.
 - xiv. Wally McKenzie asked, what is a luxury theater?
 - 1. Chairperson Bayer stated we will learn over the next few weeks.
 - xv. Chairperson Bayer asked the MSAC if anything from a discovery prospective arises please give her proper advanced notice.

5. Expectations for next meeting on Thursday April 25th, 7pm – Merritt Room

6. Adjourn 8:05 p.m.

Mike & Anne Mitchell

From: Mike & Anne Mitchell <mamitchell@verizon.net>
Sent: Wednesday, April 04, 2018 2:06 PM
To: 'Jen Bayer'
Cc: 'Richard Dalton'
Subject: My proposed additions to Opportunities/Outcome Document (related to Theater Proposal Only)
Attachments: MSAC Opportunities Outcome (Theater Proposal Concern Only)(ATM's proposed additions.4.4.18).pdf

Jen,

I have written out on your form Opportunities and Outcome document my suggested additions to the Proposed Theater Concern on the attached in red (and I included only the section from the document related to the Proposed Theater). My additions in red are based on those issues identified by National Development, those identified in your Whiteboard document, and some of my initial thoughts. There likely will need to be additional edits made, but I think it makes sense to go back to the document that captured the initial thoughts/ideas of this Committee as it relates to the issues to be addressed as well as the discovery/fact-finding related to the Proposed Theater. In an effort to be efficient, can you share my email and this document with the Committee prior to the meeting? I will also bring copies with me this evening.

Thank you.
Anne

MSAC Opportunities and Outcomes (Revised in Red by Anne Mitchell)

April 4, 2018

MSAC Opportunity	Concerns	MSAC Sub Committee	Discovery & Resources	Timeline	Major Takeaway s from Discovery	Key Partner s	Improvements made (if any) in advance of Advise ment to Board of Selectmen	Advise ment Given to Board of Selectmen	Residents -Follow Up Required	Outcome
Advise ment on potential Theatre/Cinema proposal	<ul style="list-style-type: none">• Cinema/multiplex is a prohibited use as a part of the original PVDD agreement• ND/MWS breached its agreement with the neighbors of M.St. not to include a Cinema/Multiplex• Potential increased traffic congestion• Potential lack of parking capacity• Height and other aspects of appearance• TRAFFIC• PARKING• PARKING GARAGE• FISCAL IMPACT• LONG-TERM VIABILITY OF THEATER DESIGN• NOISE• PUBLIC SAFETY• ZONING BY-LAW AMENDMENT/ZONING CHANGE• ABUTTERS/RESIDENT FEEDBACK	<ul style="list-style-type: none">• T. McCloy• A. Ferullo• B. Charlie A. Mitchell	<ul style="list-style-type: none">• PVDD• Town Meeting & Planning Board• Meeting minutes history and other documents• History of ND/MWS 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/MWS (including Scope and other potential "uses" under these proposals.• ND/MWS Feedback on Cinema/Multiplex to be proposed in the future, including reasons, scope and vision.• Public safety reports• Traffic Studies	<ul style="list-style-type: none">• Theatre proposal likely to be brought to town in Spring 2018.• Ongoing discussions with National Development as they put next proposal together		National Development				

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			<ul style="list-style-type: none"> Neighbor/Resident feedback TRAFFIC AND PARKING - National Development Proposed To Have Traffic Consultant Present To Committee Meeting With DoR Request Information On Impact On Traffic From 10% Increase In Retail And 800 Seat Theater TRAFFIC - Traffic Subcommittee To Make Final Presentation After Traffic Consultant Presentation FISCAL IMPACT - National Development Proposed To Have Financial Consultant Present To Committee. Request Information From Nat. Dev. On Type Of Lease For Cinema Operator (i.e. % Lease) DESIGN STANDARDS - National Development 							

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			<p>Proposed To Have Discussion With Design Team And Presentation Of Concepts</p> <ul style="list-style-type: none"> • PUBLIC SAFETY ISSUES - Seek Input From Police And Fire Chief, Discovery On Public Safety Issues At Other Similarly-Sized Cinemas • LONG-TERM VIABILITY OF THEATER - Request Discovery From National Development Regarding Its Statement That Theaters Are Doing Well • NOISE - Request Information From Nat. Dev. Regarding Concern About Noise Related To Theater • ZONING CHANGE - Request From National Development Proposed Warrant Article To Amend By-Law And Request Review And Opinion From 							

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			Planning Board And Town Counsel (Including Concern Raised Regarding Spot Zoning) • ABUTTER/RESIDE NT FEEDBACK - Solicit Feedback From Abutters/Residents/ Hold Meeting Dedicated to Soliciting Feedback							