City of Newburyport Planning Board March 1, 2023

The meeting was called to order at 7:00 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Bob Koup, Jamie Pennington, Heather Rogers, Rick Taintor and Don Walters

Planning Board Attendance – Remote: Beth DeLisle and Richard Yeager

Absent:

Planning Director Andy Port and note taker Caitlyn Marshall were also present.

2. Joint Public Hearing with the Planning & Development Committee and Committee of the Whole

a) ODNC00135_01_30_2023 Zoning Amendment ITIF Remove Residential Use

Ed Cameron, Chair of the Planning and Development Committee, introduced himself, and Mark Wright who were present at the meeting. He also introduced Connie Preston and Jim McCauley who was joining the meeting remotely. He then called the meeting of the Planning & Development Committee to order.

Jim McCauley stated this amendment was in regard to conversations the Planning Board has had in regards to Market Street. The original intent of adding residential parking to the ITIF fund was open to too much interpretation. It went beyond the intent of the original document. He stated he wants to tighten it up so there is less pressure on Planning Board to offer a creative solution after the fact. Removing residential from this discussion is cleaner and is more along the lines of the intent, which is not to subsidize any residential development without parking. If anyone pays into ITIF they don't get a parking spot and more spots are not being created. It is just a bit of a penalty to help ease the pain at the time. He stated he would like to remove that from the ordinance.

Alden Clark asked if there is accounting on how the ITIF funds are spent. Does this go to the garage, improvements, or just maintenance?

Director Port stated it covers bonding of garage and supplements the downtown program.

Jim McCauley stated he believes it goes into the paid parking fund.

Heather Rogers asked if there a cap of how many could be allocated?

Director Port stated there isn't a cap in the zoning. The ordinance today does not include a cap. Parking overnight is restricted.

Heather Rogers asked if it's not designated parking perse, is there any thought to the usage and flow of traffic in the garage?

Director Port stated he is not sure if they have that information presently. He shared that the parking clerk knows who is parking there and who is getting tickets. He is not sure if they have that information presently.

Mark Wright stated this is a payment into a fund that doesn't guarantee you a parking spot. He said a cap is arbitrary. People are parking wherever they can. It's just money going into a fund to offset for the garage.

Heather Rogers also asked if a property is sold, does this deposit to the fund transfer to the sale or is there another requirement for the new owner to take on a new set of deposits?

Director Port stated some were grandfathered for what was required for zoning for uses. If you have an increased demand in parking you would need to pay for the increase. Zoning would look at the uses involved and verify the parking. If more was needed a special permit would need to be granted by the board.

Rick Taintor stated if there is no change in use, there is no issue.

Ed Cameron stated he was one of the sponsors of the original ordinance in 2017. This was prompted by situations where a new development or a new use was being proposed and that developer was able to claim closeness to municipal parking to fulfill requirements. He referred to Black Cow as an example. Having the fund gave an allowance to allow the City to find additional parking. He stated he doesn't recall a lot of conversation about the residential piece. He does not want to prohibit residential downtown. He stated that we are a small city with not a lot of developable land. There is not a lot of year round people frequenting our shops in the wintertime. He then asked, how would the world look different if this passed? He can envision a scenario as a developer putting in 30 units of residential housing downtown, would they need to provide their own parking?

Director Port stated that would be correct. It would have to be provided on a private basis, rather than using a public parking lot.

Jim McCauley responded that in Ed Cameron's scenario, paying into this fund doesn't guarantee them a spot and there is no overnight parking in any of the lots. They would be parking on the streets. All the parking would be put onto the neighborhoods, even though they paid for it.

Connie Preston stated that after hearing Ed Cameron's comments, she feels that they are likeminded on this. She heard this was a request from the Planning Board and she wanted to know why the request was made.

Director Port stated this was not a request from the Planning Board, but there was a recent application for 2-6 Market Street. They were supposed to have stacked parking, and residential parking would be provided on site. The developer then said they could not do that because of the grade and wanted to pay into the ITIF fund. The concern is the interpretation.

Connie Preston stated that was the example in her mind. She understands why something like Waterfront West could not use the ITIF as relief, but for smaller developments like this it is a perfect way to use the payment as relief for those sorts of things.

Rick Taintor stated it is important to recognize there are two different things. The ordinance itself states what uses can be exempt by paying into ITIF, but it's a separate issue whether anyone could actually park in the garage. One question did come up today, what "residential" means in this context. Zoning ordinance lists residential uses that we may see as non-residential.

Zoning Officer, Jennifer Blanchet, made the request for clarification within the language of the ordinance to clarify the intent, to not to prohibit hotels or bed and breakfasts even though they fall under residential section of the use table. She stated that Jim McCauley stated the intent would be applied to single, two, multi-family and over 20 units. Also inlaw apartments.

Rick Taintor asked if she thought that could be clarified by using the words "residential dwelling unit"?

Jennifer Blanchet responded perhaps, or specifically note the uses that are still available to it or the ones that are intended to be excluded.

Director Port stated there is a distinction here, uses that are really commercial and not residential. The ordinance can be amended to define what a residential dwelling use is and use more specific language.

Public Comment opened.

Lisa Mead, 13 Purchase Street, stated one of the reasons the zoning in the downtown works so well is because residential is mixed with commercial. Before the change and addition of ITIF, the basis of the zoning is that if you were within 300 feet of any lot you could count that as parking. Municipal lots for parking had to be used. She stated she was involved with the permitting of what is now the Black Cow. There was concern that they should help pay for those municipal lots if they were using them. The way this ordinance is drafted would freeze residential units in the downtown as they are today. She does not think that is a good idea. For example, the Arthur Page Insurance building

on State Street, what if the family sold that building? For example, business on first floor and the second two floors turned into apartments. They wouldn't be able to do that because they wouldn't have parking. Some reasons turnover has slowed down in the City of Newburyport is because people have to think about the cost to pay into the ITIF if they come in with a more intense use. Prohibiting residential development is turning back zoning without re-zoning. She cautions all of the buildings down there are mixed use. You can't do a single or two family in the downtown. The city desperately needs multi family. They will need more parking, but you won't let them participate in the program. She concurs with Counselors Cameron and Preston – this isn't just paying to play, this is about use and economic drivers of our commercial aspect of downtown. This is bigger than having too many people in the parking garage – but it doesn't give anyone a right to park there. This is a bigger issue than paying into ITIF. To prohibit any residential parking in the downtown would lock the current residential status of downtown in place. She asked everyone to step back and take a look at this. She does not think this will accomplish what the Counselor wants to accomplish.

Director Port stated that grandfathered use might already have an allocation for parking.

Lisa Mead replied that's not what the ordinance says.

Director Port said the question is what you have been grandfathered under zoning goes back to the original ITIF amendment.

Jennifer Blanchet stated there is concern and there has been a bit of confusion. There is language in the original ordinance on the status of a property as it was in 2017, the time that this ordinance was adopted. Commercial spaces on the first floor have a more intensive parking requirement than residential uses. Office spaces that could be turned into residential all have a per square foot requirement of parking spaces, which in every analysis so far has a higher parking count than a residential parking requirement. They would not need to utilize the ITIF. There is a concern for new lots, which is where this would have an impact. There is no impact on existing structures. She does not think we will see the issue. Residential parking will need to be provided on site or in a private lot off site

Lisa Mead stated that is her concern. Until someone does an analysis, start at the top of State Street and go down and look at the number of buildings that potentially could have new uses that include significant residential uses. It's a big move to make without proper analysis. She urges the Board to slow down and do a proper analysis.

Public Comment closed.

Jamie Pennington stated he would not be in favor of this change of parking restrictions. He agreed with Attorney Mead.

Rick Taintor stated his personal stance is lower parking requirements. He is for more flexibility. He is persuaded by Attorney Mead and they should step back and look at

what properties would be impacted by this. This could impact under-utilized lots from being developed. He suggests to hold off until they have more information or being opposed to his amendment.

Mark Wright stated he would be interested to know the number of entities that have participated in the ITIF since 2017. Maybe this is something that could be passed along to the finance director

Director Port stated there have been less than 5 applications.

Don Walters agrees there should be a bit more analysis. He thinks they should take a look at the vacant lots to understand the impact.

Ed Cameron agreed with getting more information. He states that zoning is a place where they want to tread carefully because it is hard to back out of it. He shared that we want more people downtown – living and visiting. The City Council will spend one more meeting on this.

Rick Taintor suggested the Planning Board close the public hearing and request, not to take action, further information on ITIF and analysis on lots downtown. He suggests putting this off to a future meeting.

Connie Preston agreed more information helps make better decisions. Not only understanding who has paid into ITIF, but gather a listing of vacant lots that could be developed that could be affected by this.

Ed Cameron discussed continuing the discussion. A joint hearing would be held on April 19, 2023.

Rick Taintor suggested to close the hearing tonight but not make a recommendation.

Don Walters made a motion to close the public hearing from Planning Board. Alden Clark seconded the motion. All members voted in favor. Bring back to a future meeting.

Mark Wright made a motion to close the public hearing for the Planning and Zoning Committee. Connie Preston seconded the motion. All members voted in favor.

- b) ODNC00136_01_30_2023 General Code Amendment Planning Board Membership (COTW)
- c) ODNC00137_01_30_2023 Zoning Amendment Planning Board Membership (COTW)

Rick Taintor stated the Planning Board requires a 2/3 vote on special permits under state law. There are situation were the Planning Board is short members because of vacancies, recusals, or absences. He said the board doesn't want an applicant to have a difficult time getting enough votes. The proposal is to reduce the Planning Board from 9 members to 7

members. The required number of votes in favor for a special permit would go from 6 votes to 5 votes. The second change would be a change to the term of membership from 5 years to 3 years. The final change is to authorize the appointment of two associate members who could fill in if Planning Board members were not available to vote on a special permit. He stated these three things are to help have a full Planning Board and have enough members to vote on a special permit application.

Connie Preston asked for clarification on associate members.

Afroz Khan asked if this is done in other communities. In regards to reducing she has heard this has been desired to see this change happen. She asked for more background and context on how other communicates handle this.

Rick Taintor stated that the Zoning Board has this right now. They want to make sure they have at least the required 2/3 needed for special permit votes. He then described the role of an associate member. He shared this is done in many other communities and the state of Massachusetts allows this.

Richard Yeager stated the Boston Landmarks Commission has been doing this and it works very well. Associate members attend meetings and find out that evening if they are voting or not. They stay relevant to the content.

Rick Taintor stated this is desired because of not only conflicts, but also vacancies on the board. 2/3 of the total members authorized by the ordinance need to vote positively.

Alden Clark asked about the mechanics of that working. If there were one Planning Board member who had a conflict, would only one of the associates be brought in?

Rick Taintor stated the Chair would designate a member to fill in.

Ed Cameron supports shortening the term from five years to three years. He stated he served on the Zoning Board for two years and having associate members worked well. He approves the concept.

Mark Wright asked what the current term for Zoning Board members is.

Director Port stated three years.

Mark Wright stated that it makes sense to synchronize the two boards.

Connie Preston stated the associate position would be hard to recruit for. She states if it is working in other places, she has no evidence to say it wouldn't work here. She also suggested to make sure those terms don't coincide for the Planning Board and Zoning Board.

Ed Cameron stated the Zoning Board has five members plus two associate members. The

supermajority of the votes would be four. When there is a vacancy, the more senior associate member moves up. This helps with onboarding since there is a learning curve.

Rick Taintor stated that new appointment would need to be appointed by the City Council, not an automatic move up.

Director Port stated the associate members would be rotated through.

Rick Taintor clarified that there would nine members on the board (including associate members), but five votes would be needed rather than six votes for approval of a special permit.

Public Comment opened. No comment Public Comment closed

Don Walters asked if the board is going to recommend ordinance 137 which is under zoning, where 136 is a general ordinance.

Director Port stated the recommendation would be adoption of both to be consistent.

Alden Clark made a motion to close the public hearing. Heather Rogers seconded the motion. All members voted in favor.

Rick Taintor asked for a motion to approve both ordinances 136 and 137.

Director Port asked Rick Taintor if he wanted to change "Chairman" to "Chair".

Rick Taintor stated in ordinance 136 they want to change the language to be consistent.

Don Walters made a motion to approve both ordinances 136 and 137. Alden Clark seconded the motion. All members voted in favor.

Mark Wright made a motion to recommend approval of ordinance 136 and 137. Connie Preston seconded the motion. All members voted in favor.

Mark Wright made a motion to close the public hearing for the Planning and Zoning Committee. Connie Preston seconded the motion. All members voted in favor.

3. Public Hearings

a) Hale Business Park LLC, c/o Lisa Mead, Mead, Talerman & Costa, LLC 21 Malcolm Hoyt Road
Application completeness vote and Site Plan Review (SPR-23-1)

Attorney Lisa Mead introduced herself and her team. For the completeness review, they

provided a set of plans that include all ten requirements for the ordinance. They also included the storm water report, as well as the lighting fixtures as required. They also provided a waiver letter with a full traffic report and traffic memo. They also requested a waiver for a full community and environmental report. They are working with the Conservation Commission on this project. They requested a waiver that a landscape architect signs the plans given the fact that all of the plantings are in and around wetlands. They have the plans but they are not signed by the landscape architect. She asked the board find the application complete before proceeding.

Director Port stated the office had no objection.

Rick Taintor said he had no objection, but he did have a couple of questions. He would like to recommend they grant a waiver from the tree ordinance, recognizing there is landscape planting on the site and not providing street trees.

Attorney Mead said it made sense, but the tree ordinance only applies to special permits and this is a site plan review.

Director Port clarified.

Attorney Mead agreed and thought it would be appropriate to grant that waiver as well.

Rick Taintor stated that when they get to the approval process he is going to request a separate landscape plan where those plantings aren't pulled out.

Bob Koup made a motion to grant the waivers from the complete environmental report, complete traffic study, the signing of the landscape plan by a landscape architect, and the street tree requirement. Alden Clark seconded the motion. All members voted in favor.

Don Walters made a motion to find the application complete with those waivers. Bob Koup seconded the motion. All members voted in favor.

Attorney Mead stated this is an application for an industrial services building located at the corner of Malcolm Hoyt Drive and Hale Street. The applicant has been working with Conservation Commission on this for about a year. Five acres will be deeded over to the Conservation Commission. A significant portion of the land is in wetlands. They have also been in front of the Zoning Board of appeals. They have had to move the building up closer to Hale Street. The proposal is to build a building with a footprint of 2,880 square feet on this property. It will be put on a portion of the lot, which is just over an acre. The remainder of the parcel, almost five and a half acres of land, will be donated to the Conservation Commission. There are six parking spaces required for the building. They are providing fifteen parking spaces and two handicap spaces. The Fire Department required two means of egress on the lot. This building acts as a transition from the residential structures across the street and the industrial structures behind it. It is 25 feet tall. It gives the appearance of a residential structure from the front.

Steve Sawyer, GM2 Associates, engineer for the project, stated they are constructing a new three unit industrial building. It will be east of the existing industrial building, and it is much smaller. The land is 75 % wetland and 25% upland. Originally they provided one entry and exit on the west side. The back of building has three garage doors. Construction vehicles will be parked in the back. Visitors and employees can come in from the front. There is a concrete sidewalk running across the front. The Fire Department wanted full access around the building. The eastern side is exit only. There is water and sewer so there will be a fire and water access to the building. The storm water basin is a fairly small structure. They are proposing that 85% of the site flow to the rear. Water will be contained treated before discharged. On the exit there had to be a small catch basin installed. A small rain guard will be installed at the site entry. The water flows along Hale Street that will provide treatment. He stated he received some comments from Phil Christianson. One of the comments was to cut the site into three separate drainage areas, and the plan will be revised accordingly. There is ample parking. They will be providing plantings around the building.

Attorney Lisa Mead stated in the Industrial Park you are allowed to have 30% lot coverage. This lot has 5.3% lot coverage. The back lot is being transferred. She then reviewed the elevations. It is only 25 feet to the roof. The doors in the front are residential size.

Tom Hughes from Hughes Environmental Consulting stated most of the site is in the buffer zone to wetlands. Everything he is planting will be native species. There are six red cedar going in. There is also a tulip tree that will be going in. Along the left hand side on edge of parking, dogwoods are going in. He stated he also put flowering dogwood mixed into other plantings closer to the wetlands. Some of those include red maple, high bush blueberry, cranberry bush and winterberry. Behind all of that is the mess of nature already on site. They will change the sizing of the dogwood.

Bob Koup had a question about parking. Is it necessary to be over the parking requirement or should you give more room for wetlands?

Steve Sawyer stated they needed to be careful about it. Removing parking might be problematic. They want to make sure they have it covered. The rear will be construction vehicles. They want to keep as much pavement in rear as possible. He feels uncomfortable making the back area smaller.

Richard Yeager was curious about the building being closer to Hale Street. Normally there is a sixty-foot setback. What is the rationale?

Attorney Mead stated the wetland and soil condition were the reason behind that. The Zoning Board liked it because it gave a more residential feel.

Don Walters stated as a member of the Energy Advisory Committee, he would be happy to give them contacts if they would like any advice in regards to those services.

Rick Taintor stated he does like the building closer to the street. He was concerned about the driveways. They are looking into improving Hale Street and potentially widening it. Will this impact the site plan? He is also concerned about designating snow storage areas in the city right of way.

Director Port stated snow storage for public right of way is by the city. He spoke to the city engineer. The bike lane will be on the opposite side of the street.

Attorney Mead stated they would relocate snow storage off of the right of way. The aprons along Hale Street that exist are going to need to be backed up. The driveways would have to be adjusting accordingly.

Steve Sawyer stated that from edge of pavement to the right of way line is twenty feet. It is highly unlikely they will widen that road by more than five feet or so. They would reconfigure the apron to meet the needs. He stated he had a couple of discussions with Jon-Eric White. He said it doesn't make sense at this stage.

Rick Taintor asked if they designed to have the snow storage areas as far away from the wetlands as possible.

Steve Sawyer stated there is plenty of snow storage. If there is a significant event they will have to haul it off. Snow can be stored in front of building. He said he would update the plan to show snow storage areas.

Rick Taintor said a separate landscaping plan with snow storage would be helpful.

Attorney Mead stated she would file the ANR plan before the next meeting. The Board only has twenty-one days to act on it.

Rick Taintor asked if there was a reason they couldn't approve this before the ANR plan is filed.

Attorney Mead said they could but they would like it done all at the same time because the Conservation Commission wants to see it too.

Rick Taintor asked if the Conservation Commission could accept it without City Council approval.

Attorney Mead stated they want to have the ANR plan done anyway. The site plan is only applicable to this portion of the site.

Rick Taintor stated he noticed on the full plan that it appears that there is drainage from that site that is flowing into the site that the Conservation Commission will be accepting.

Steve Sawyer stated yes. This is typical of any development. In many cases the storm water crosses the property line, but it is not increasing flow off our site.

Rick Taintor asked if it came up with the Conservation Commission that they will be accepting a parcel that is accepting storm water from an industrial site.

Attorney Mead stated that yes they know.

Rick Taintor asked for clarification on approving the plans.

Director Port stated they would be happy to modify their work with this to make it as simple as possible.

Don Walters asked if this is a site plan review.

Rick Taintor stated that yes it is a major site plan review.

Public Comment opened.

No comment.

Public Comment closed.

Rick Taintor asked for a motion to continue to the next meeting on March 15, 2023.

Attorney Mead stated they would like to return on March 15, 2023. In terms of the site plan review, they could have a condition that states they have submitted a deed, not that the deed has been accepted.

Director Port brought up the street tree easement issue that became an issue at the City Council on a previous application. He stated he reached out to the city engineer, who is acting director of public services, and asked if he had feedback here about the issue of storm water being discharged across the area that will become city property. He was not concerned a burden was being put on the city.

Alden Clark made a motion to continue this to March 15, 2023. Jamie Pennington seconded the motion. All members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

3. General Business

a) Request for release of covenant – Dexter Lane

Coleen Hayes from Finneran & Nicholson stated they were requesting a release of covenant for Dexter Lane because it was never released in the 1960s when the subdivision was finished. As part of a title search for 14 Dexter Lane that was done this issue came up. They wanted to clean the slate so there are no other issues for anyone.

Rick Taintor stated the last two lots do not exist. Do we have any concerns about the turning circle? He stated he was unclear of what the covenant is.

Director Port stated the roadway was already accepted by the city. The lot release is covering all the lots so each owner does not have to go through this process.

Rick Taintor asked if the release of covenant is to eliminate the notes on the plan?

Director Port stated it will say the notes on the plan were satisfied. The loop wasn't closed and it would be typically recorded at registry. The roadway was constructed and City Council accepted it as a public way.

Jamie Pennington made a motion to approve request of release of covenant on all lots on Dexter Lane. Alden Clark seconded the motion. All members voted in favor.

Motion Approved.

The Board took up the requests for extension at 17 Malcolm Hoyt Road and 3 Stanley Tucker Drive together.

b) Request for extension – 17 Malcolm Hoyt Road (2020-SPR-06)

Attorney Steven Madaus from Mirick O'Connell, representing Tim and Chris Zampell. He has a request for property at 17 Malcolm Hoyt Road, seeking approval of an extension of the site plan approval. The approval is valid through June 16, 2023, due to the tolling from the Covid crisis. This is an addition to an existing building. He asked for a two-year extension of the site plan approval to June 16, 2025. The owners still intend to construct the project as approved.

c) Request for extension – 3 Stanley Tucker Drive (2020-SPR-07)

Attorney Steven Madaus spoke to the request for extension for the property at 3 Stanley Tucker Drive. This property is next door to 17 Malcolm Hoyt Road. This is also an addition to an existing building. He is requesting an extension to June 16, 2025. He stated he also requested extensions with the Conservation Commission.

Don Walters asked is with two year extension if any other standards change, would plans

would have to be changed.

Director Port stated no. This allows more time for applicant to do the project.

Alden Clark made a motion to extend the site plan review permit term for both 17 Malcolm Hoyt Road and 3 Stanley Tucker Drive to June 16, 2025. Bob Koup seconded the motion. Seven members voted in favor. Beth DeLisle abstained.

d) Approval of Minutes

• *02/01/23*

Six members voted in favor. Beth DeLisle and Don Walters abstained.

d) Other updates from the Chair or Planning Director

Don Walters stated he is the Planning Board representative for the Community Preservation Committee. He brought up the Planning Board should be careful to agree or imply conveyed land to the city. He brought up a situation at Colby Farm Lane. He cautions the Planning Board because of the ongoing cost.

Don Walters also stated that he is on the Energy Advisory Committee and the issue of 5G came up. He spoke of the issue that antennas should be concealed so they are aesthetically pleasing. It is most appropriate that the Planning Board or the Planning Director address this issue.

Director Port spoke about wireless telecommunication facilities and amending that section. In historic areas they are concealed. There will be more dialogue with City Council about telephone poles and in the public right of way.

Don Walters is on the Energy Advisory Committee and they are looking for more energy conservation. He spoke about their expressed interest in involvement as well as the Resiliency Committee in strengthening conservation and resiliency requirements for special permits.

Rick Taintor stated he is working with the Resiliency Committee on a questionnaire looking at green infrastructure. He stated that they should look at the checklist and ask how much more do we want to ask of applicants coming before us.

Director Port stated he is in support of energy conservation and resiliency and asking questions of applicants. There is a city ordinance the city has to show City Council they are trying to reach a net zero energy usage in buildings. Can we try to get private sector do that as well? If we have questions we want to add to our application, we should ask them as simple as possible. He states he supports both initiatives.

Rick Taintor stated the next meeting will have 21 Malcolm Hoyt coming back, and the discussion of the proposed change to the ITIF ordinance could also be continued at that

meeting. He asked Director Port if they would be able to have any analysis of the ITIF changes by the next meeting, or should that discussion be put off until another meeting.

Director Port stated they could have basic information for the ITIF for the March 15th meeting.

Rick Taintor stated short-term rental units discussion will be coming back and they will have a joint public hearing on April 19, 2023. At this point, it is planned to cancel the meeting on April 5, 2023 because of Passover.

Director Port stated the Legislature or the Governor gave a further extension for remote meetings allowance until 2025. He stated that some boards do remote meetings only. If the Planning Board wants to go fully remote for meetings they can do that until 2025.

Rick Taintor stated they should be less flexible with applicants being remote. It is difficult to hear them. He would rather have them in the room.

Director Port stated they can strongly suggest applicants be in the room. There are issues with equipment.

5. Adjournment

Alden Clark made a motion to adjourn. Heather Rogers seconded the motion, and all members voted in favor.

Motion Approved.

Meeting adjourned at 9:27 PM

Respectfully submitted – Caitlyn Marshall