

From: Contact form at newburyportma <cmsmailer@civicplus.com>
Sent: Thursday, June 9, 2022 3:14 PM
To: Richard Jones <RJones@CityofNewburyport.com>
Subject: [newburyportma] IFS Proposed Settlement -Pre-mediation Concessions (Sent by Peter Mackin, petemackin@gmail.com)

Hello rjones,

Peter Mackin (petemackin@gmail.com) has sent you a message via your contact form (<https://www.cityofnewburyport.com/users/rjones/contact>) at newburyportma.

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Message:

Mr Richard Jones,
Please include this letter in the Monday, June 13th City Council packet.

TO ALL CITY COUNCIL MEMBERS:

During the June 1st Planning Board meeting, the lawyer for the Institution for Savings stated that the City of Newburyport's negotiating team agreed to two pre-settlement concessions prior to mediation discussions regarding the bank's request for a special permit. As we understand, the pre-concessions to proceed to settlement negotiations were:

1. The IFS did not have to reduce the square footage of the proposed building.
2. The Planning Board was not mandated to include the Historic Commission in the approval process of the proposed settlement agreement.

This was the first time these concessions were made public, abutters and concerned citizens were shocked that the City negotiation team agreed to these concessions prior to negotiations.

After 14 months of due diligence by both the Planning Board and the Historic Commission, the March 2021 decision to deny the IFS special permit was based these same two facts: 1. The building size was too big for the area, and 2. The building did not meet the requirements of the DOD and was not subordinate to the 1890's building. Why would the City agree to these concessions prior to settlement discussions? Why didn't the City Council share this information with Newburyport residents sooner?

In November 2021 the Newburyport City Council sent this one-sided and unfair proposed settlement back to the Land Court to have it play out there.

In April 2022, the City Council, based on the court's request, voted to send it back to the Planning Board on remand for it to decide on the merits of the proposed settlement.

Unfortunately, at the June 1 Planning Board meeting there was significant confusion among Planning Board members. Specifically, some members wrongly thought that by remanding the settlement decision back to the Planning Board, the City Council had approved or endorsed the proposed settlement, which was not the case. The City Council remanded it without endorsement.

The proposed settlement's fate now rests with the Planning Board, which will vote on June 22 to accept or reject the settlement. I ask City Council Members to please attend this in-person only Planning Board meeting or write a letter to the Planning Board to clarify the City Council's intent and to correct this misconception.

Thank you,
Peter Mackin
13 Prospect Street

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