



CITY OF NEWBURYPORT
 PLANNING BOARD
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**RECORD OF PROCEEDINGS AND
 SITE PLAN REVIEW DECISION**

APPLICANT: Institution for Savings in Newburyport
 c/o Lisa Mead, Mead, Talerman & Costa, LLC
 30 Green Street
 Newburyport, MA 01950

PROPERTY OWNER: Institution for Savings in Newburyport

FILE NO.: 2020-SPR-02

PROPERTY ADDRESS: **93 State Street and 12 Prospect Street**

DECISION DATE: 03/17/21

MAP/PARCEL(S): 14-39 and 14-40

BOOK/PAGE: 764-51

ZONING DISTRICT: B2/DOD

PROCEDURAL HISTORY:

An application for Major Site Plan Review pursuant to Section XV of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 01/08/20 for the following request: *construct two-story addition to rear of building*

Notice of the public hearing was published on 04/21/20 and 04/28/20 in the Newburyport Daily News. The public hearing on the application was opened on 05/06/20 and continued to 5/20/20, 6/3/20, 7/1/20, 8/5/20, 9/16/20, 10/21/20, 11/4/20, 12/2/20, 1/6/21, 2/17/21, and 3/17/21.

At the close of the public hearing, upon a motion to approve made by Don Walters and seconded by Rick Taintor, the Planning Board voted as follows:

Bonnie Sontag, Chair	<u>no</u>	Don Walters	<u>yes</u>	Leah McGavern	<u>yes</u>
Anne Gardner	<u>no</u>	MJ Verde	<u>no</u>	Tania Hartford	<u>yes</u>
Rick Taintor	<u>no</u>	Elisabeth DeLisle	<u>no</u>	Alden Clark	<u>recused</u>

Having not received the necessary majority vote of the Planning Board, in accordance with M.G.L. Chapter 40A Section 9, as amended, the petition was therefore **DENIED**.

PLANS AND DOCUMENTS:

- Site Plan Set entitled “Permit Site Development Plans, 93 State Street, Newburyport, Massachusetts” prepared by Meridian Associates dated January 8, 2020 and most recently revised on March 10, 2021; and
- Plan Views entitled “Institution for Savings Office Addition, 93 State Street, Newburyport, Massachusetts, 01950” prepared by Architectural Resources Cambridge and dated March 10, 2021; and
- Building Elevations entitled “Institution for Savings Office Addition, 93 State Street, Newburyport, Massachusetts, 01950” prepared by Architectural Resources Cambridge and dated March 10, 2021; and
- The above plans and submission materials were supplemented by memos and expert opinions provided by the applicant and reviewed by the Planning Board; and
- “Historical Reports” prepared by the Newburyport Historical Commission from 2/13/20, 6/25/20, 11/12/20 and 1/28/21; and
- A peer review of engineering and stormwater design was conducted by Christiansen & Sergi, Inc., on behalf of the Planning Board. Additional City Department comments were received on the draft plans which were subsequently revised to address outstanding issues. A full copy of this documentation is on file with the City of Newburyport Office of Planning & Development, 60 Pleasant Street, Newburyport, Ma 01950; and
- Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, as made at the public hearing.

EXISTING CONDITIONS AND CONTEXT:

The property consists of two parcels in the downtown area: 93 State Street (Map 14 Lot 40) and 12 Prospect Street (Map 14 Lot 39). The combined property is bounded by State Street on the northwest, Prospect Street on the northeast, Otis Place on the southeast, and five lots on the southwest. The property is served by three driveways: one on State Street and two on Prospect Street.

Existing structures on the 93 State Street lot consist of an historic 1870s structure which is the original Institution for Savings building, a 1903 addition to that structure, and a 1980s addition attached to the rear of the historic building. The 12 Prospect Street lot contains two surface parking lots separated by a circular driveway providing access to a drive-up window, and a 2010 fountain and clock tower at the corner of State and Prospect Streets.

The property is located in the Downtown Business District (B2) and the Downtown Overlay District (DOD). The property abuts the R3 multifamily residential district for about 125 feet of its Prospect Street frontage and along the entirety of its Otis Place frontage.

The property is within Newburyport’s National Register Historic District, listed in 1984. The original 1870s bank building is significant both for its architecture and for its place in the history of the City. With the exception of another bank building across Prospect Street at 81 State Street, all buildings on the abutting parcels were designated as “contributing” structures to the National Register district. In addition, in 1980 the entire length of Prospect Street was documented in a “Form G” as a historically significant streetscape.

The applicant, the Institution for Savings (IFS), is proposing the construction of a two-story addition to be attached to the 1980s portion of the existing building. The proposed addition would be located in the portion of the two parcels at the corner of Prospect Street and Otis Place, and would contain a parking garage on the ground floor with office space on the second floor.

The proposed project triggers Major Site Plan Review because it includes the construction of more than 1,000 square feet of gross floor area as well as the construction of more than 10 new or additional parking spaces. The applicant requested a waiver from submission of a full Traffic Report and a full Environmental and Community Impact Analysis.

The application for Site Plan Review was made in connection with an application for a Special Permit for construction of an addition within the Downtown Overlay District pursuant to Section XXVI of the Zoning Ordinance. The Planning Board heard and voted on the two applications together.

FINDINGS:

In order to grant Site Plan approval, the Board must determine that the applicant's project complies with the Site Plan Review criteria set forth in Section XV-G of the Newburyport Zoning Ordinance (NZO) and with the development and performance standards provided in Section XV-H of the NZO. These criteria and standards and the Board's project specific findings for each are enumerated below.

Site Plan Review Criteria

Community Character

Section XV-G.a of the NZO requires that a proposed development

1. Minimizes obstruction of scenic views from publicly accessible locations;
2. Minimizes impacts to important natural or historical features;
3. Screens objectionable features such as large blank walls, open dumpster, loading or storage areas, from neighboring properties and roadways;
4. Is in harmony with the architectural style of the adjacent buildings and immediate neighborhood;
5. If located within the National Historic District, is consistent with the architectural style, scale, density, massing and setbacks in the district;
6. Promotes a design and architectural consistency regarding the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation of each feature to similar features of building and structures in the immediate neighborhood and surrounding area;
7. Is appropriate in regards to the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.

The Planning Board's concerns about the proposed project largely focused on issues addressed by the above criteria pertaining to harmony and consistency with the surrounding neighborhood (#4 through #7) due to the significant differences in scale and design compared to the adjacent residential structures.

The applicant modified the proposed expansion plan several times during the course of Planning Board review to address City department, Planning Board, Historical Commission and community comments and concerns, particularly with respect to size, scale, and massing. However, after final deliberations at

the public hearing of March 17, 2021, the Planning Board found that the proposed project was not appropriate in size, scale and massing and was not in harmony with the immediate residential neighborhood. The Planning Board found that the proposed eave height, and associated massing, resulted in a building that was over-sized in relation to the residential structures in the abutting neighborhood.

While the Board found that the proposed project would be enhanced with greater setbacks than the required setbacks for the underlying B2 zoning district, the Board found that the proposed project was not appropriate to the size and shape of the existing adjacent structures both in relation to the land area upon which the structure is situated and to the adjacent structures within the neighborhood. The massing and footprint were much larger than the existing historic building on the site and far greater than any of the historical residential buildings. The proposed addition lacks attention to overall size and external details as they relate to adjacent buildings in the neighborhood. Thus, the Planning Board found that the proposal was not in harmony and did not minimize impact on important historical features on the site or in its surroundings.

As set forth in the decision of this Board made and filed together with the instant decision, the Board voted to deny the project the special permit required pursuant to Section XXVII of the Zoning Ordinance. As a result, the Board could devise no reasonable terms or conditions to address the inadequacies of the project and adequately protect the interests of the public.

Traffic, Parking and Public Access

The parking onsite complies with the NZO. The applicant proposed 62 parking spaces as part of the proposed project by using an automated parking lift system. The project complies with the Site Plan Review criteria by minimizing vehicular traffic and safety impacts, maximizing the convenience and safety of vehicular, bicycle and pedestrian movement within the neighborhood and site and minimizes adverse impacts.

Health

This project will not involve any substantial noise, vibration, gas, fumes, odor, dust or other objectionable features. Appropriate screening for the proposed generator has been provided to minimize potential disruptive noise. Noise generated by the parking lift system will be contained within the structure.

Public Services and Utilities

The proposed work will not overload any public water, drainage, or sewer system or any other municipal systems. The project will be serviced by the utilities that serve the existing building. The City's Department of Public Services has signed off on the proposed project plans. As shown in the Stormwater Report, there will be no additional runoff from the site and all the stormwater will be treated on site. The Planning Board's Peer Reviewer found that the engineering and drainage design and analysis are correct as presented.

Land Use Planning

This criterion requires an assessment of a project for consistency with the land use goals of the City's Master Plan. The proposal is consistent with land use goal LU-1 of the 2017 Master Plan: "Maintain and enhance the downtown's role as the City's civic, service, commercial and cultural center." As stated by the applicant, the proposed project would support an expansion of banking activity in the downtown.

However, the Master Plan also addresses preservation of neighborhood character, as stated in land use goal LU-4: "Preserve the character of the City's neighborhoods while encouraging a diverse housing stock." As described above under "Community Character," the Board could not find that the proposed project would be consistent with the established character of the surrounding neighborhood. Newburyport's historic character is a fundamental concern of the Planning Board as is ensuring that growth is balanced with Newburyport's historic development patterns. Because the project failed to obtain the required special permit, the Board could devise no reasonable terms or conditions to bring the plan into conformance with this criterion.

Open Space and Environmental Protection

There is existing landscaping throughout the property. No change in landscaping and open space is proposed for the portion of the property closest to State Street.

The proposed addition would replace an existing parking lot and some perimeter landscaping. The project would eliminate some existing vegetation abutting residential properties on Otis Place and Garden Street and would reduce the width of the landscaped area along Prospect Street, while a new landscaped area is proposed at the corner of Prospect Street and Otis Place.

Performance Standards

The proposed project represents an expansion of an existing bank/office use in the downtown business district, which is fully developed and served by all municipal and private utilities. As a result, the performance standards relating to pedestrian and vehicular access and traffic impacts, lighting, landscaping, stormwater runoff, water quality, wetlands, erosion control, environmental and utilities are not of concern. The Board's project-specific findings relate to site plan and architectural design, including architectural character:

XV-H(b) Site plan and architectural design

Height and bulk or massing are incompatible with the existing historic structure on the parcel and with the abutting historic residential structures. An attempt has been made to mitigate the impact of size with façade divisions and architectural details that are not sufficient to relieve the sense of overwhelming mass in this location. Because the project failed to obtain the required special permit, the Board could devise no reasonable terms or conditions to bring the plan into conformance with this criterion.

XV-H(b)7 General architectural character

The applicant presented several architectural designs for the proposed addition, including designs that attempted to respond to the surrounding residential buildings as well as commercial architecture. However, the proposed addition cannot be evaluated for its architectural character separated from its relationship to the existing historic bank building or abutting historic residential buildings. The Board found that the building design would not be compatible with the vernacular structures, historic character, and scale of buildings in the surrounding neighborhood, as is required by Section XV-H(b)7. Because the project failed to obtain the required special permit, the Board could devise no reasonable terms or conditions to bring the plan into conformance with this criterion.

CONCLUSION AND DECISION:

For all of the reasons stated herein, the petition for a Site Plan Review is therefore **DENIED**.

APPEALS:

Appeals of this decision may be made in accordance with applicable law.

SIGNATURE OF THE BOARD:

Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

Bonnie Sontag

Bonnie Sontag, Chair

April 8, 2021

Date

CITY CLERK CERTIFICATION:

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the Site Plan Review decision for the property known as 93 State Street and 12 Prospect Street was filed in the Office of the City Clerk on _____. Twenty (20) days have elapsed since the decision was filed and no appeal has been filed.

City Clerk

Date