

**City of Newburyport Planning Board
Application for a DOD SPECIAL PERMIT**

Petitioner: Institution for Savings c/o Lisa Mead, Mead, Talerman & Costa, LLC
Address: 30 Green Street
Phone: 978-463-7700
Email: lisa@mtclawyers.com
Owner: Institution for Savings
Address: 93 State Street
Phone: _____

Site Address: 93 State Street
Map and Lot(s): 14 - 40 Zoning District: B-2/DOD
Book and Page #: _____ or Certificate of Title: _____

The applicant is requesting a Special Permit under Section XXVII – Downtown Overlay District (DOD) for the following request:

Construct an addition attached to the rear of the 1980 addition located to the rear of the original structure.

Petitioner and Landowner signature(s):

Signature 

Print or type above name(s) here MICHAEL JONES



Lead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950
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January 22, 2020

By Hand

Bonnie Sontag, Chair
Planning Board
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: DOD Special Permit;
93 State Street, Newburyport, MA (the "Property");
Assessor's Map: 14 Lot: 40

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the owner of the Property, the Institution for Savings in Newburyport (the "Petitioner"), relative to the construction of a two-story addition to the rear of the building located on the Property. The original building on the Property was constructed in or about 1871 and was designed by Rufus Sargent. In 1903 an addition designed by Edwin Dodge¹ was constructed. Thereafter, an addition was constructed to the rear of the original building in 1980. The proposed two-story addition is to the rear of the 1980 addition. The Petitioner seeks a Downtown Overlay District ("DOD") Special Permit for the project. The Petitioner incorporates by reference all plans and documentation submitted to the Board with the Petitioner's application for Major Site Plan Review and any subsequent submissions thereto.

The original building is listed as contributing on the District Data Sheets for the Newburyport Historic District. See **Exhibit A** attached hereto. As such, it is a historic building or structure for purposes of the DOD under Section XXVII of the Newburyport Zoning Ordinance (the "Ordinance"). Pursuant to Section XXVII-F, "all new construction, alteration, or demolition" within the DOD requires a special permit granted by the Board, unless an exemption applies. The Petitioner's project does **not** include any alteration or demolition to the original structure. Rather, the proposed addition is to be attached to the rear of the later-added addition constructed in 1980.

As mentioned above, the Petitioner's project requires a DOD Special Permit. Pursuant to Section XXVII-F of the Ordinance, the proposed addition must meet the requirements of Section XXVII-F and the requirements of the special permit criteria set forth in Section X-H.7 of the Ordinance. The relevant criteria for each section are set forth below.

¹ See attached history by Dr. Judith E. Selwyn, Preservation Technology Associates, LLC submitted as part of the brownstone restoration on the Historic Structure. **Exhibit B.**

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

Section XXVII-F

Section XXVII-F.3

Section XXVII-F.3 requires the Board to adhere to any relevant provision of the U.S. Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" ("Secretary's Standards").

The proposed addition to the rear of the 1980 addition has been designed in accordance with the Secretary's Standards for the treatment of historic properties. Constructed in 1871, the original building is of the High Victorian Italianate style. The exterior materials are brownstone, brick, and copper with original wooden windows. The flanking wings of the building were added in 1903 using similar materials. In fact, the original windows from 1872 were removed and reset into the new wings. In 1980, an addition consisting of brick and brownstone was constructed to the rear of the original building. To preserve as much as the original building as possible, this addition was located 8 feet away and the only connection is via an elevated copper clad connector. The 1980 addition was also designed according to the Secretary's Standards.

The Secretary's Standards provide recommendations for exterior additions to historic buildings and related new construction. These recommendations include: designing a new addition that is compatible with the historic building; constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed; basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building; physically and visibly separating the new addition from the historic building; distinguishing the addition from the original building by setting it back from the wall plane of the historic building; ensuring the new construction is secondary to the historic building and does not detract from its significance; and considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting, among other things.

The proposed new addition does the following.

1. There will be no loss or concealment of any of the original building's details.
2. The proposed addition has been designed to be compatible with the original building by using brick, precast tinted to mimic brownstone (due to the unavailability of similar brownstone), copper, and wood windows.
3. The proposed addition is located far enough away from the original building and behind it so as not to overwhelm it. It is clearly secondary and does not detract from the significance of the original building or its setting.
4. To be compatible with the original building, the proposed addition has been designed using the same forms, materials, and color range of the existing building but has not been designed to entirely mimic it or appear historic. To the greatest extent possible the size and rhythm of the addition are based on the original building.
5. The proposed addition has been designed to be stylistically appropriate to the historic building. It has been designed to look commercial rather than residential to be compatible.
6. The addition has been designed to accommodate uses that could not be incorporated into either the original building or the 1980 addition.

Section XXVII-F.5

Section XXVII-F.5.a, similar to the Secretary’s Standards, requires that new construction and alterations be compatible with the existing historic buildings and structures within the DOD. As evidenced by the submitted plans and as shown in the renderings as well as the detailed information set forth above, the proposed addition does not “disrupt the essential form and integrity of” the original building, the Property, or its setting within the DOD. The proposed addition is likewise compatible with the original building’s size, scale, height, color, material, and character. In keeping with subsection XXVII-F.5.a.i, the proposed addition is reversible. If the new addition were for any reason to be removed in the future, the form and integrity of the original building would not be impaired at all.

Section X-H.7

As aforementioned, the Board is required to apply the special permit criteria found in Section X-H.7 of the Ordinance.

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

As noted above, the Property is located within the DOD and the DOD Ordinance requires a special permit for the alteration to an historic structure unless exempt as provided by Section XXVII-E.

2. The requested use is essential and/or desirable to the public convenience or welfare.

The use of retail services (a bank falls under this definition in the use table), of which Petitioner is engaged, is a by-right use in the underlying B2 district. The grant of a DOD special permit to allow the Petitioner to construct the proposed addition to grow its business within the downtown business district to serve the public is a desirable use.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The new addition will result in approximately 100 new vehicle trips over the entire day and will not create undue traffic congestion or unduly impair pedestrian safety. Please see the Traffic Impact letter submitted with the Petitioner’s Major Site Plan Review application and incorporated herein by reference.

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare.

The Petitioner references and incorporates the plans and materials submitted with the Major Site Plan Review application. As noted therein, the proposed use will not overload any municipal system nor will it subject to public to a hazard affecting health, safety and general welfare.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

No special regulations are set forth in the special permit table are set forth relative to the grant of a DOD special permit.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

As explained in detail above, the proposed addition will not impair the integrity or character of the district or adjoining districts. The proposed addition has been designed within the guidelines of the Secretary's Standards and in a way that does not detract from the original building or historic district. The proposed addition will not be detrimental to the public health or welfare.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The downtown business district is a commercial district. The Petitioner's use of the proposed building is consistent with the downtown neighborhood. Further, the Petitioner's business is already in existence and is not a new addition to the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

The DOD allows the Board to grant a DOD Special Permit to construct an addition to an historic building or structure if the requisite criteria are met. The Petitioner has set forth the criteria of both the Ordinance and the Secretary's Standards and the proposed addition's compliance with said criteria. In accordance with Section XXVII-B of the Ordinance, the DOD was established in the downtown due to the "unique land use pattern, and architectural, economic and cultural character of the buildings, structures and lots, both individually and as a group, that are located in downtown Newburyport" Further the DOD was put in place for "...protecting the land use pattern, and architectural, cultural, economic, political and social heritage of the city through the rehabilitation, preservation and enhancement of its historic downtown,..."


The expansion of the Bank is consistent with the land use patterns in the downtown requiring minimal setbacks, if at all, allowing owners to take actions necessary to allow cornerstone businesses to be retained in the downtown to maintain the vibrancy of the downtown as an economic center and preventing urban sprawl by locating elsewhere. The DOD helps to protect the existing historic structures and assures that changes to those structures or settings are consistent with the Secretary of the Interior Guidelines thereby, while allowing properties to change and be competitive as the economy requires, still maintaining the historic fabric of the City. The Petitioner seeks to maintain and retain its "high style commercial banking building from the latter half of the 19th century" along with its business and to do so must meet the needs of the 21st century workforce. It believes it can do so while respecting and preserving the historic structure and setting.

9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The use of the proposed addition for the Petitioner's banking business will not be conducted in a manner which is injurious or otherwise dangerous to the area.

Based upon the foregoing, the Petitioner requests that the Board grant a DOD Special Permit for the proposed addition.

Respectfully submitted,
Institution for Savings in Newburyport
by its Attorney


Lisa L. Mead



cc: Client

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-001Rev1

Name: Institution for Savings c/o Lisa Mead, MTC LLC

Address: 93 State Street (14-40) & 12 Prospect (14-39) Zoning District(s): R3/PIOD

Request: Construct 8,800sf addition to non-historic section of existing historic structure over existing parking area in a manner that is dimensionally compliant with NZO. Addition will result in a net loss of 6 parking spaces increasing the nonconforming nature of the existing parking; The applicant proposes to utilize the ITIF pay-in to use the Harris Street municipal parking lot to address this deficiency of 35 spaces. No signage shown. 2 Parcels are considered merged for Zoning purposes.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width
- Front Yard
- Side Yard
- Rear Yard

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
- Size
- Location

Other

Special Permit

- Table of Use Regulations (V.D) #: _____
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
- Rear Yard
- Lot Coverage
- Side Yard
- Lot Frontage
- Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - FAR
 - Lot Coverage
- Height
- Setbacks
- Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other ITIF Parking Pay-in per VII-A

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
- Rear Yard
- Lot Coverage
- Side Yard
- Lot Frontage
- Front Yard
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED


Newburyport Zoning Administrator

01/21/2020
Date

93 STATE ST

Location 93 STATE ST

MBLU 14/ 40/ //

Owner INST FOR SVGS IN NBYPT

Assessment \$1,788,500

PID 450

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$1,277,100	\$511,400	\$1,788,500

Owner of Record

Owner INST FOR SVGS IN NBYPT
Co-Owner AND VICINITY
Address 93 STATE STREET
 NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page
Sale Date

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
INST FOR SVGS IN NBYPT	\$0			

Building Information

Building 1 : Section 1

Year Built: 1870
Living Area: 8,418

Building Attributes	
Field	Description
STYLE	Finan Inst.
MODEL	Commercial
Stories:	1
Occupancy	1
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Plastered

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPotos//\01\01\15\63.jpg>)

Interior Floor 1	Carpet
Interior Floor 2	Terrazzo Monol
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	Central
Bldg Use	BANK BLDG
Total Rooms	
Total Bedrms	00
Total Baths	6
1st Floor Use:	3410
Heat/AC	HEAT/AC PKGS
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	12
% Comn Wall	0



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/450_493.jpg)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	6,591	6,591	
FUS	Upper Story, Finished	1,827	1,827	
CAN	Canopy	80	0	
CTH	Cathedral Ceiling	3,532	0	
FBM	Basement, Finished	2,574	0	
FOP	Porch, Open	50	0	
UBM	Basement, Unfinished	2,208	0	
		16,862	8,418	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	1 UNITS	\$2,100	1
DUW1	DRIVE-UP WINDW	1 UNITS	\$6,300	1
NDP	NITE DEPOSIT	1 UNITS	\$7,800	1
ATM1	AUTOMATC TELLR	1 UNITS	\$18,200	1
VLT3	VAULT-EXCELLNT	150 S.F.	\$17,500	1

Land

Land Use

Use Code 3410
Description BANK BLDG

Land Line Valuation

Size (Acres) 0.34
Depth 0
Assessed Value \$511,400

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
LT1	LIGHTS-IN W/PL			4 UNITS	\$1,900	1
	GENERATOR			1	\$0	1
	CLOCK TOWER & WATER FOUNTAIN			1	\$180,000	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$1,131,800	\$511,400	\$1,643,200

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EXHIBIT A

NEWBURYPORT
DISTRICT DATA SHEET

Street Address	Map & Parcel	Historic Name	Date of Construction	Style	Status
51-53	6-27	First & Ocean Bank	ca 1820; 1960s	Federalist; Colonial Revival (top floor removed)	MC
55	6-28	First & Ocean Bank	ca 1820; 1960s	Federalist; Colonial Revival (top floor removed)	MC
✓ 57 #360	6-29	Grand Army bldg.	ca 1850-1870; 20th c	Italianate; original stucco removed	C
✓ 59-61 #361	6-30	Merchants Nat'l Bank	ca 1800; 1920	Federalist; Federalist Revival storefront	C
63-69	6-36	Nbpt. 5¢ Savings Bank	ca 1925	Colonial Revival	C
71-75	5-16	Nbpt. 5¢ Savings Bank Addition	1970s	contemporary	INT
✓ 79 #363	5-18	former House	ca 1845; 1900	Greek Revival; Colonial Revival	C
	5-1	commercial bldg.	ca 1940-1950	Colonial Revival	INT
	14-39	parking lot			
✓ 93 #364	14-40	Institution for Savings	1869-1870	Italianate	C
✓ 95 #366	14-41	Dalton House	1746; ca 1800	high-style Georgian; Federalist entry	C
✓ 97-99 #368	14-42	Double House	ca 1890	Queen Anne	C

FORM B - BUILDING

Area	Form no.
	364

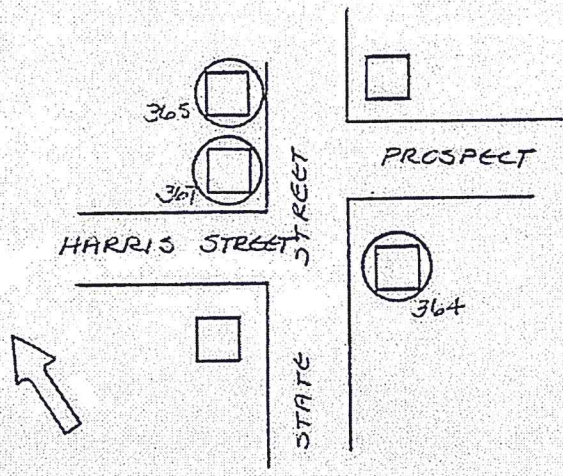
MASSACHUSETTS HISTORICAL COMMISSION

MA 02108



City Newburyport
 Address 93 State Street
 Historic Name Institution for Savings
 Original Bank Bank
 Present Bank
 Ownership: Private individual
 Private organization Newburyport Institution for Savings
 Public
 Original owner Institution for Savings

Draw map showing property location in relation to nearest cross streets and other buildings or geographical features. Indicate north.



DESCRIPTION:
 Date 1872
 Source Currier, "History of Nbpt."
 Style High Victorian Italianate
 Architect _____
 Exterior wall fabric Brick and brownst
 Outbuildings _____
 Major alterations (with dates) addition at rear (1980)
 Moved _____ Date _____
 Approx. acreage 12,750 sq. ft.
 Setting in Newburyport's central business district adjacent to the Market Square Historic District

Recorded by Mary Jane Stirgwolt
 Organization Office of Community Development
 Date 09-19-80

ARCHITECTURAL SIGNIFICANCE (describe important architectural features and evaluate in terms of other buildings within community)

The Institution for Savings is one of the few Italianate buildings in Newburyport and is certainly the most elaborate. The notable architectural features in this building include Italianate arched windows, brownstone consoles and quoins, giant brownstone pillars and copper balustrade and cornice. The projecting central pavillion is extremely impressive, as are the arched window openings trimmed in brownstone. This building retains its original interior as well as exterior features.

HISTORICAL SIGNIFICANCE (explain the role owners played in local or state history and how the building relates to the development of the community)

The Institution for Savings in Newburyport and its Vicinity was incorporated on January 31, 1820. The original proprietors of the corporation included many prominent Newburyporters like William Bartlet, John Pettingell, and Thomas M. Clark.

The bank was originally located in the Town Hall on the corner of Essex and State Streets. Between 1845 and 1872 it was located in various buildings on High Street. In 1872 the present building was constructed and the bank has done business at 93 State Street since that time.

BIBLIOGRAPHY and/or REFERENCES

- Assessor's Records 1890-1980
- 1872 Map of Newburyport
- J. J. Currier, History of Newburyport 1764-1905, Vols. I and II., reprint, Newburyport 1977.

EXHIBIT B

Newburyport Institution for Savings
Brownstone Restoration -2019
Dr. Judith E. Selwyn, PRESERVATION TECHNOLOGY ASSOCIATES, LLC

The Newburyport Institution for Savings's main office on State Street, designed by Rufus Sargent, is Newburyport's finest example of classical Italianate architecture executed in brownstone. Opened in 1871, the bank is one of many architectural contributions to the City of Newburyport. With its temple-like central pavilion and large arched windows, Sargent used carved brownstone details to embellish the structure. The building was expanded and enlarged in 1903 by the architect Edwin Dodge. Dodge changed the roof line and lengthen the building while seamlessly blending the new with the old and also by reusing stone from the rear of the 1871 in the enlarged building.

Brownstone, a shorthand name for brown sandstone, became popular in the third quarter of the nineteenth century as architecture moved away from the Colonial and Greek Revival Styles, which generally used lighter colors, to the palate of dark, saturated shades so closely associated with Victorian architecture and design. Brownstone, in this case quarried in Portland, Connecticut, provided the ideal color for the execution of Victorian buildings. Much prized for its appearance, availability, and the ease with which it could be cut and carved, the use of brownstone became the rage as urban centers rapidly expanded in New England and New York after the Civil War.

All sandstones were formed over millennia by the slow build-up of layers of sand (silica) sediments; brownstone achieves its color by the inclusion of colored minerals. In the case of Portland Brownstone, the binders, or cementing materials holding the layers together, are iron oxides and clay. Flakes of glittery mica are layered into the stone and often form weak planes in the stone. And, clay swells when it is wet, further weakening the stone. Frequently the brownstone for architectural use was not set into buildings in the same orientation as it formed in the quarry -- so-called natural bed. Rather, much of the stone was face-bedded, largely because that provided a more uniform coloration to the stone, and because it made more economical use of the quarry. By the early part of the twentieth century geological literature already detailed the massive failures of face-bedded brownstone; the stone literally was peeling off in layers from building facades. The Portland quarry was closed after the hurricane of 1938. In 1994, an attempt was made to reopen the quarry as a much smaller operation; the quarry was successful in providing brownstone for small restoration projects until 2012. The closed quarry and is now part of a recreational water park!

The Institution for Savings, like similar buildings, suffered deterioration of the brownstone due to the weathering of the stone. Replacement stone was largely unavailable or too expensive and, as a result, many buildings were improperly repaired using materials that only accelerated the deterioration of the stone. By 2018, it was clear that something had to be done to restore the detail and beauty of the bank, as well as to preserve its structure and to make the facade watertight. Volutes of the massive Corinthian columns had fallen away, moldings and panels had lost their details and the front steps were in very poor condition. Dr. Judith E. Selwyn of Preservation

Brownstone Restoration

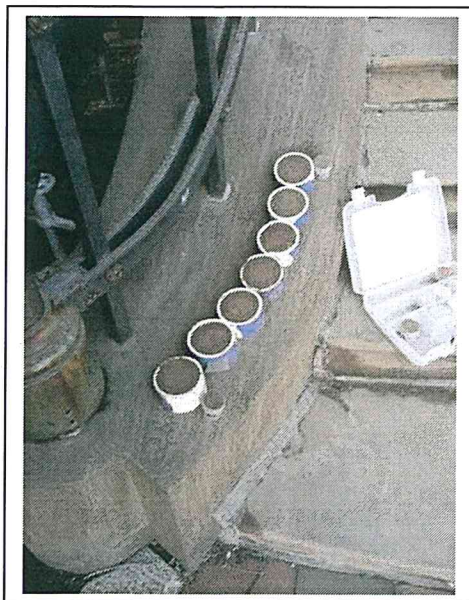
Technology Associates, LLC was engaged to assist the bank in developing a program to restore the building. The goal was to restore the elegant details while preserving as much of the original stone as possible. The process began with a detailed inspection of the stone to identify stones requiring repair. A series of materials and techniques were specified to repair various conditions depending on the extent of damage, level of architectural detail, function of the stone and location. The repairs included:

Honing. (smoothing and working the surface with stone carving tools) to remove unstable surface and to retain as much natural stone and detail as possible. The soffit under the cornice is an example of an area that was stabilized using this technique. The corner quoins and many flat surfaces were also honed.



Process of honing the soffit

Patching. Areas of extreme deterioration in highly visible areas were restored to original profiles using a carefully color matched specialty stone patching mortar.



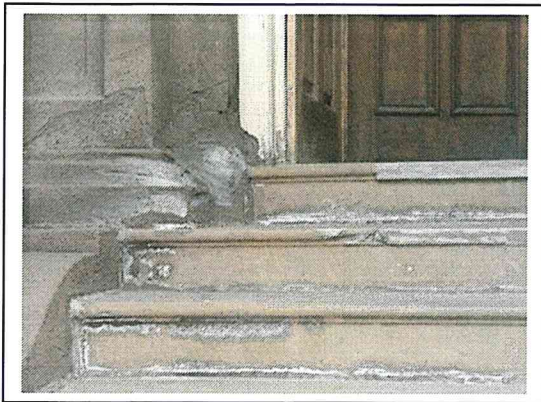
Color match for patching



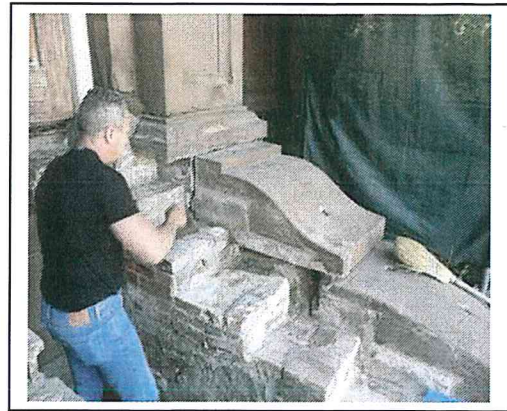
Starting to install the repair

Brownstone Restoration

Replacement with cast stone. Cast stone is actually an ancient material; mineral binders were mixed with sand to produce materials that simulated stone. The modern use of cast stone expanded at the beginning of the twentieth century when more advanced cast stone products were used in buildings, including many schools and churches, in place of natural stone, very often to simulate limestone. Again, care was taken to provide an excellent match of the new cast stone to the historic brownstone in color, finish and detail. Cast stone was used to replace the front steps and the monumental column capitals. The foundation of the steps was repaired prior to setting the new steps.



Before condition of stone



Repairing the base



Installation of new steps

Brownstone Restoration

Replacement with salvage stone. The original stone removed from the steps was carefully inspected and the best areas provided sufficient good stone to replace lintels on the side of the building.



Basement lintels
use salvaged stone

Repointing. The final step in the restoration process involved preparing stone mortar joints and installing a mortar compatible with the strength of the historic mortar and matched to the color and raised bead joint detail.



Mock-ups
for repointing