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February 10, 2021

Electronic Mail and In Hand

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

Re: Site Plan Review; Special Permit for Parking, and Downtown Overlay  
District Special Permit - Revised Plans  
93 State Street, Newburyport, MA (the "Property");  
Assessor's Map: 14 Lots: 39 and 40

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the Institution for Savings in Newburyport (the "Bank") relative to a proposed addition to be constructed, attached to the rear of the structure on the Property. More specifically, the original historic building (the "Original Structure") on the Property was constructed in or about 1871. In 1980, an addition was constructed, attached to the rear of the Original Structure (the "1980 Addition"). The proposed addition would be attached to the rear of the 1980 Addition.

The Bank has again undertaken a significant redesign of the proposed addition in light of the last Planning Board public hearing. Specifically, this new proposal accomplishes the following:

- Decrease in usable square footage space from 7,712 to 6,512
- Removal of all program space on the first floor and reduction of program space on the second floor as a result.
- Removal of hallway on first floor
- Removal of loge overhang on State Street side
- New design features include:
  - Return to brick façade to complement the existing structure.
  - Increased number of windows on Prospect Street façade to better complement the smaller proportion and massing.
  - A hip roof design was employed to decrease overall height and massing including the use of slate shingles
  - Copper cornice
  - Mixture of masonry trim features including— two types of bricks to delineate facades and break up massing, mixture of granite, limestone base, lintels, sills and area above garage door
  - Aluminum clad windows

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The design changes in the building and reduced footprint result in the following increased setbacks:

Location	Prior Submission	Current Submission
Prospect Street	0'-1'6"	5'-6'
Otis Place	0-3'	9'9"-24'7"
4 Otis Place (Griffin residence) and bldg.	5'10"	7'7"

The design changes in the building also result if the following height comparisons:

Location	Proposed	1870	11-21 Prospect	16 Otis	3-5 Otis	4 Otis	7-9 Otis	9-11 Garden
Ridge	33'3"	33'11"	36'10" - 37'1"	32'	34'8"	28'	36'2"	40'5"
Eave	24'6"	30'8"	23'2"-23'5"	21'2"	22'5"	21'8"	23'1"	23'6" <sup>1</sup>

Of note is that the generator remains fully enclosed within the building and there continues to be minimal vents or mechanical equipment on the roof. Additionally, a significant amount of landscaping has been added both on Prospect Street and on Otis Place.

The proposed addition is more subordinate now to the 1870 structure than in the prior submissions. Given the location and setbacks as well as roof design, the building also does not detract but is rather compatible with the historic scale and character of the historic structure and setting.

Specifically, the Bank has met the criteria of the Downtown Overlay District ("DOD") for new construction in that the proposed addition remains compatible with the historic character and scale of the subject historic building, structure or architectural features, its lot and its setting within the DOD, as the case may be. The Board has received a report from the Historic Commission. The Applicant does not agree with the report and believes that the Commission misapplied the Secretary of the Interior Standards as they relate to the proposal. Indeed, at the final meeting of the Commission, even the members in that meeting each had different viewpoints of the proposed addition. One member thought the massing and scale was appropriate, but this member was not pleased with the cladding; another member thought the massing and scale was not appropriate and not consistent with the neighborhood. Given the divergent viewpoints of the Commission and apparent divergent views of the Standards and related guidelines, the Bank again engaged Dr. Judith Selwyn for her professional opinion of the Standards, rebutting the Historical Commission's opinion(s). But just to be sure that Dr. Selwyn's history with the Bank did not taint her view, the Bank also engaged another expert, William S. Young who to date, the Bank had not met previously and who was therefore not familiar with the project.

You will find both of these professional opinions attached to this filing. The opinions speak for themselves, and while their approach is slightly different, they both apply and interpret the Standards in the same way. Of

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<sup>1</sup> Please see Height Survey Plan enclosed in plan set.

particular note is that the National Park Service Regulations specifically state that all aspects of a rehabilitation<sup>2</sup>, including new additions or related new construction, will be reviewed first as they affect the (subject) historic building and second as they affect the district in which the building is located. See 36 CFR Part 67.6 (b)(6).

Finally, I refer the Board to the DOD declarations and purpose provisions. As we know, zoning is not created in a vacuum, there are reasons it is created. Here the City Council has exclaimed the following:

Section XXVII-A

**Determinations**

The City hereby determines all of the following:

1. The architectural, cultural, economic, political and social history of the City of Newburyport is one (1) of its most valued and important assets.....” (emphasis added)

Section XXVII\_B

**Purposes**

“...a downtown overlay district (DOD) and discretionary DOD special permit (DOD-SP) are hereby established 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.” (emphasis added)

The City Council in creating the DOD understood the importance of all aspects of what makes up the district, including the economic generators located within the district, be it the commercial buildings, those businesses within those buildings, the value of the buildings, both commercial and residential and the land use patterns. The land use patterns in this setting includes both the B-2 district and residences; which in this case is directly adjacent to a residential neighborhood. This condition has existed for centuries, naturally, within the DOD. Without the continued operation and success of these economic generators, the historic district would not be maintained as an economic center of the City.

Given the foregoing, the Bank respectfully suggests that it has provided evidence on the record that it meets all of the criteria of the Site Plan Review provisions and has met the criteria of the DOD and therefore respectfully requests that the Planning Board approve both applications.

Respectfully submitted,  
Institution for Savings,  
By its Attorney,

  
Lisa L. Mead

cc: Client

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<sup>2</sup> As noted previously, the proposal must be reviewed under the Rehabilitation Standard as Rehabilitation is the only treatment under the Standards that allows for related new construction or additions.