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October 29, 2020

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, the Applicant has been working with the Board for over 9 months relative to the requested permits. Over that time period, the Applicant has completely and totally redesigned the project at the request of the Board, Historic Commission and abutters. As the Board is aware, this proposal is situated within the B2 zoning district where commercial development like what is proposed is permitted by right. Indeed, the Applicant meets all of the dimensional requirements set forth in the zoning ordinance as well as the use provisions. Additionally, the Applicant has gone to great lengths to also provide all of the required parking on site. It is not lost on the Applicant that it also requires a Special Permit under the Demolition Overlay District and of course Site Plan Review. To that end I would like to address several threshold issues that have arisen over the course of the hearings in an attempt to provide clarity to the Board and provide the answers to questions the Board posed at the last meeting.

Planning Board as Special Permit Granting Authority

Respectfully, I would remind the Planning Board that in the carrying out of its duties it has two separate and distinct roles. I am pointing this out as during the course of the hearings a member compared this hearing process to that of the waterfront west zoning hearing process.¹ The comment struck me when it was first made as odd and out of place given the different roles the Board plays.

¹ It should be noted that those in attendance at the waterfront west zoning hearings numbered in the hundreds and included residents from all over the city – for several meetings on end. The permitting which is before the board the attendees in opposition are limited to some of the abutters and two non-abutters.

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Pursuant to G.L. c. 40A §5, the Planning Board serves in a review and advisory role to the legislative body, namely the City Council, in any rezoning efforts. Their role is to hear from the public, property owners and residents alike and use that information relative to the proposed amendment before them coupled with any changes in the law or other critical factors which may be leading to a proposed zoning amendment. The Board then bases their recommendation to the City Council on the foregoing factors, and others. Indeed, changing zoning affects property rights, and has broad long term impacts on the City and residents. The zoning review role is advisory and under G.L. c. 40A §5 is meant to add another measure to allow and encourage public input on changes to underlying property rights.

On the other hand, pursuant to G.L. c. 40A §9, the Planning Board may sit, as they do here, as the Special Permit Granting Authority. In that roll, the Planning Board is sitting as an adjudicatory body, determining if the application before it meets, or not, the criteria established under the Ordinance. While it is true that in the public hearing those in favor and those opposed to a proposed application are given a voice, the filter through which those voices are heard must be the provisions of the zoning ordinance under which the application(s) have been made and under which Board is required to focus their review. In the instance where the Board is serving as the Special Permit Granting authority, the zoning exists, it is neither being made nor changing. The Board's actions are a determination that the Ordinance provisions, including special permit criteria, among others, are adhered to by an applicant.

Underlying Context and Existing Zoning

For the Board's convenience I have attached a portion of the zoning map. (**Exhibit A**) As you are aware, the Applicant's property is located within the B2 zoning district. The Board will also note, the adjacent residential properties between the Applicant's property and Garden Street are also located within the B2 zoning district. The B2 zoning district, includes the Applicant's commercial use by right. Interestingly, the B2 district does not allow, at all, even by special permit, single or two family homes². Single and two family uses were zoned not permitted with the codification of the urban renewal plans and zoning in 1978. In other words, when the City Council created the B2 zoning district they determined that there should not in the future be any single or two family uses within the commercial district. Of course, those single and two family uses that existed could stay until they stopped being used as such, but they were no longer permitted in the district as the purpose of the district was to permit and allow to thrive commercial uses.

Further, the B2 district, unlike any other districts in the City, does not require any setbacks, does not constrain by lot coverage nor minimum open space requirements and allows a height of 40 feet. Finally, the zoning ordinance does not include any transitional rules related to development from one district to the next.

This is the context in which the Bank is working with the Board to construct an addition onto their existing Property. And while it is true, in fact, because the Property is in the Downtown Overlay District ("DOD"), the Board must apply those criteria of the DOD, it cannot do so in a vacuum at the total disregard for the underlying zoning as some of the abutters would have the Board do.

To this end, the Bank recognizes that the Board has discretion under a Special Permit, however that discretion is not unfettered as some of the abutters would have the Board believe. Indeed, for better or for worse, the Board may not act in an arbitrary nor capricious manner and the Board must be constrained by the purpose and

² It should be noted that the B2 district has existed in its current form since 1978. Everyone of the abutters, but for Mr. Karelis and the Pollocks both of whom purchased their rental properties 1975 and 1979 respectively, have purchased their properties after 2003, well beyond when anyone would have questioned what zoning district they were buying into. See **Exhibit B**.

intent of the Ordinance and the criteria as set forth in the DOD. The Bank has presented a complete redesign of their original proposal which would have been the most efficient business proposal from the Bank's perspective and consistent with the commercial setting of State Street. However, having heard from the Board, Historic Commission and neighbors, the Bank has provided a new design which is consistent with the residential end of the Property with regards to scale and massing of the neighborhood while still serving the commercial use and meeting the parking requirements of the Ordinance.

Information Requested by the Board

The following facts and comparisons, as requested by various members of the Board will aid in the Board reaching that same conclusion:

- Eave Height³: The Board and the Historic Commission requested the Bank lower the eave height along Prospect: the eave height of the proposed sections of the new building along Prospect is 25'. The residential structures along Prospect from 11-21 have an eave height of 23' 9". The eave height of the entry way to the Bank along Prospect is 15' 6", the home at 9 Prospect directly across the street is at 16' 6" with an eave height of 9' 2".
- Length of façade: The length of the two delineated facades of the proposed structure along Prospect are 36' 7" each. The length of the facades of the 11-13, 15-17 and 19-21 structures are: 42' 8", 42' 6" and 41' 10" respectively. The length of the façade of the delineated gable end section of the building along Otis is 28' 8". The length of the facades along Otis at 16 Prospect, 3 Otis and 9 Otis are 40', 30' and 46' respectively.
- Depth of Structure: The depth of the segment of the structure as delineated by the gable roof design are 28' 8" along Prospect. The depth of the structures from 11-21 Prospect are 40"⁴.
- Foundation Size: The foundation size of the segment of the building under each gable roof as compared to the foundation size of the surrounding properties on Prospect is shown on **Exhibit C**.⁵
- Sidewalk Width: The sidewalk width on the Bank's side of Prospect Street is 6' and along Otis is 5' 6". The sidewalk width on the residential side of Prospect Street ranges from 6' to 7' 2" and along Otis ranges from 4' 2" to 6' 11".
- Setbacks: The setback for the proposal along Prospect Street is 0.3' while on the opposite side of Prospect the setbacks range from 1' 8" to 2' 11" between State and Fruit Street. The setback along Otis for the project varies from 2' to 3' at the one story section, and varies from 0.3' to 7' 10" at the gable end section along Otis. While the setbacks along the eastern side of Otis vary from 9" to 4' 2" and along the western side adjacent to the project they range from 1' 6" to 11' 6" up to Garden Street.
- Rear Yard Abutters: The plans have been updated to show that the rear yards on Garden Street which will be affected by the proposed addition include a varying mix of paved parking lot to

³ While it seems to be the general consensus of the Board that the proposed structure is of such different design and so far away from the 1871 building they should be treated as two separate structures, it should be noted that the mean height of the 1871 building is 32'21/2", the proposal mean height is 31'. The top of the cornice on the 1871 building is 33'11". Further, the proposed addition is 188 feet setback from State Street, 151'4" setback from the front of the 1871 building and the closest section of the new addition which is attached to the 1980 addition is located 80 feet from the rear of the 1871 building.

⁴ This measurement is taken from the Assessor's Data Base.

⁵ Please note, the sizes for the Prospect and Otis Street properties are taken from the surveys of surrounding properties to the extent the information was available and the Assessor's Data Base.

storage and the closest one of course includes the installation of HVAC units, a portion of which is on Bank property and which the Bank is accommodating.

- Mechanical Equipment: The Bank has enclosed its mechanical equipment. Specifically, the generator is now fully enclosed which is an improvement on the existing conditions and the air handlers will be accommodated in the gables of the new structures.
- Floor Area: The original proposal included a floor area for the workspace of Bank employees entirely located on the second floor, included 6,930 square feet, hence the more traditional commercial design. (See **Exhibit D**). The proposal before the Board includes 6,307 square feet on the second floor and 1,405 on the first floor, of which 830 square feet is the hallway and lobby along Prospect Street.
- Handicap Parking Spaces: A member requested confirmation relative to the number of handicap spaces provided. The engineers have relooked at this issue and determined that they misunderstood the grandfathering provisions for the ADA. As a result, the engineers have designated the end spaces as handicap and provided the access aisle by adjusting the adjacent island/nubbin at the turn area. You will see the third space adjacent to the 1871 structure.

DOD Criteria

The Board needs to now apply the criteria as set forth in the Ordinance. The DOD requires that the Board apply both the underlying Special Permit criteria as well as the DOD criteria. While the Applicant has submitted this information in the past, given the discussion at the last meeting, we thought it would be helpful to submit this again.

Pursuant to Section X-H.7 of the Ordinance, the following required “general conditions” must be met for the issuance of a special permit for parking:

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 B2 and DOD. The use is allowed by right.

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

The use of retail services is a by-right use in the district. The new construction meets the table of use requirements as it is expanding a by-right use, namely retail services - banking. The Bank’s business is a retail services use under the Ordinance (Use 404). Section V-E of the Ordinance defines “retail services” as “**establishments providing services or entertainment, as opposed to products, to the general public including but not limited to banking – including integrated ATMs, real estate and insurance.**” The Zoning Code Enforcement Officer has determined the proposal continues to fall under this by right use.

A bank or insurance company, by their very nature include those parts of the business which are not directly related to the retail service portion of the business. The term Banking means – the business conducted or services offered by a bank, Merriam Webster says it is “the business of a bank or a banker”.

Historically, banking, insurance and other similar services have served as the backbone to support the more transient retail services and support restaurants and businesses which require foot traffic generated by retail services

such as banking, insurance and governmental offices.

This use is allowed by right. The Applicant is not seeking a special permit for the use. Therefore, the determination as to this criteria is not discretionary. The Special Permit requested by the Applicant goes to the construction of an addition under the DOD, not the use.

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

The Applicant has submitted a Trip Generation Letter and Review from Ron Muller & Associates. Based upon that review and the proposed changes, the use will not create undue traffic congestion nor impair pedestrian safety. The Bank's proposal eliminates a second egress that currently exists on Prospect Street. All traffic to and from the Bank's new parking garage will travel through the Commercial side of the Property and enter via State Street. The Bank will accommodate all parking needs on site. Given the added office space according to the Traffic Engineer a total of 13 trips will be added during the am peak hour and 12 trips during the pm peak hour.

The Chair requested the Applicant review the possibility of closing off the remaining egress onto Prospect Street leaving the only access to the Property through the State Street curb cut. The Applicant requested input from the Fire Department relative to the elimination of two means of egress and access to and from the site. The Fire Department would not approve a configuration which provided only one means of access to the Property for the Fire Department or other emergency personnel. (See **Exhibit E**)⁶

Additionally, given the removal of the proposed second egress onto Prospect, there will be no more traffic under the proposed conditions than there is under the current operations of the Bank. (**Exhibit F**)

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 nominal increase in employees and use at the Bank will not overload the public utility systems. Additionally, the Board's peer review professional has advised the Board that the Applicant has met all requirements for civil design including a reduction in rate of run off into the public stormwater system over existing conditions.

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

There are no special regulations for the proposed use.

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.

Again, the proposed use is allowed by right. However, understanding that the Board is considering the impact of the proposed addition on the district, the Ordinance defines the B2 district in part as follows: "The downtown

⁶ The Chair and an abutter also asked if the Applicant could put another layer of parking below grade. While at this point such a request is cost prohibitive, the Applicant also reached out to the Fire Department seeking their input on two levels of parking below grade. The Fire Department will not approve two levels of parking below grade due to unforeseen possible hazards and non-access to the lower level.

business district is composed of all those areas so designated on the official zoning map. It includes retail, service, and office uses. The scale is intended to reinforce downtown's role as the focus of activity in Newburyport. Multi-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking.”

The proposed use and addition- falls squarely within this definition. Again, I remind the Board that the B2 district encompasses a portion of Prospect and all of the structures located between Garden, Otis and Prospect.

Further, given the current Proposal, the Applicant has been thoughtful in its design of the structure to compliment and be sensitive to the character of the adjoining districts. This criteria is described more specifically in the DOD criteria to follow.

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 district is a commercial district, there are no transition rules between districts, indeed this use is allowed by right. The residential structures and uses located on the southerly side of the proposal are all non-conforming uses. Again, as noted above, the discussion of the proposed construction is addressed along with the discussion of the DOD criteria.

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

Once again, the use is allowed by right and fits squarely within the purpose of the B2 zoning district. The DOD requirements go to structures and not uses and therefore, the structure will be addressed as part of the DOD criteria.

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 as a bank will not be conducted in a manner which is injurious or otherwise dangerous to the area.

Section XXVII-F.5.a-c provides as follows:

a. New construction and alterations must be compatible with existing historic buildings and structures within the DOD: New construction and alteration within the DOD shall not disrupt the essential form and integrity of (i) the subject historic building, structure or exterior architectural features, (ii) the lot where it is located, or (iii) its setting within the DOD. Moreover, new construction and alteration within the DOD shall be compatible with the size, scale, height, color (excepting paint color), material, and character of the (x) subject historic building, structure or exterior architectural feature, (y) the lot where it is located, and (z) its setting within the DOD, as the case may be.⁷

c. Non-historic styles permitted for new construction and additions: The design of new construction and additions (as distinct from other alterations) within the DOD may reflect non-historic styles so long as they remain compatible

⁷ I have intentionally omitted the subsections under section (a) as they have been determined and an advisory report is forthcoming. Further I have omitted subsection (b) as it is not applicable to the application.

with the historic character and scale of the subject historic building, structure, or exterior architectural feature, its lot, and its setting within the DOD, as the case may be. So long as new construction and additions are so compatible, the SPGA shall not require the reproduction of historic styles, and, on the contrary, shall encourage contemporary styles of architecture to aid differentiation of old from new.

The Board can determine based upon the recitation of facts above and review of the plans that the proposed addition does not disrupt the essential form and integrity of the subject historic building or the lot where it is located. Both by its design and distance and method of connection from and to the historic structure the proposed addition meets this criteria. This conclusion was supported by the comments from members of the Historic Commission as well. As new construction, the design, at the request of the Board and the Historic Commission is situated toward the residential neighborhood and not the design of the historic structure. This is an acceptable approach to the design, both as noted above and under the Secretary of the Interior Standards, by which the Board is guided.

While meeting with the Historic Commission a Commissioner, acknowledging the difficulty in applying the standards, recommended the project be reviewed under some guidance for new construction in historic districts. The National Trust for Historic Preservation in their Publication, "Regulating new Construction in Historic Districts" recommends applying a review standard referred to with the acronym FRESH as a helpful tool in determining if the Secretary's Standards and Guidelines for new construction are met. In response to that suggestion, we have done so below.

F - Footprint and Foundation. The footprint and foundation of the new structure should be similar to the ones surrounding the new structure:

The proposed structure is broken down into clear and legible masses. These masses as they visually express themselves have footprints that sit in the range of footprints of buildings directly nearby. When considering that this building is a commercial project in a commercial district, this building's overall footprint must be considered one of the smaller commercial footprints that make up the commercial buildings residing in the DOD. If, however you are comparing it to the nearby residential properties, you can see that the footprints of the identified masses are smaller on average than that of the nearby residences. We have shown you that comparison on the attached **Exhibit C** where you can see that the footprints of the proposed structure separate sections as defined by their roof lines are on average the size of the surrounding footprints of the residential structures.

R - Roof shape. The new roof should match existing roofs in pitch, complexity, and orientation.

The key feature of this design approach for the proposed addition is that it directly addresses this criteria. To be in harmony with plurality of types and scale of the roof forms within the DOD, as a whole and particularly to the structures directly adjacent, this design breaks the building into masses with their own roof forms. The more prominent forms take on roof pitches that are common to the buildings nearby allowing the project to have a common dialogue with the surrounding buildings. Other parts of the proposed addition take on flat roofs that are common to both neighborhood adjacent buildings and the 1980 addition as well as the 1871 bank building that sits on the remainder of the site.

E - Envelope. If you shrink-wrapped a building and removed everything but the shrink-wrap, that is the envelope. The new structure should match the existing ones in projections, height, bulk, relationships between height and width, etc.

The envelope of this new building makes use of the approach of breaking down masses into multiple building forms to allow the envelope to have a visual size and scale that sits in between the immediately adjacent size and scale of the neighborhood and very clearly the masses break down to be visually smaller in relationship to the 1871 building, emphasizing compatibility to the former and its subordination to the latter.

S - Skin. What is the envelope clad in? What is the surface material and what are its characteristics? New structures should be clad in a visually and physically similar material.

The cladding material in this proposal plays a crucial role in transitioning the visual appearance of this project as it connects directly to the 1980's building with matching brick cladding and shifts its cladding to become more harmonious with the residences that make up the fabric of the adjacent neighborhood – as requested by the Board and the Historic Commission. Those masses have architectural asphalt shingles, wood clapboards, with painted wood head sills and jambs for the windows, corner boards and cornices. The whole building visually sits on a base of granite as it meets the sidewalk. A brick chimney with a brownstone chimney cap adds a residential scale element that punctuates the sky profile of the surrounding neighborhood. These materials are common to both the adjacent residential nature of this part of the DOD and still speaks to other commercial properties elsewhere in the DOD

H - Holes. Where are the doors, windows, attic vents, etc.? How are they divided.

As with the approach to envelope, the openings (windows, doors, and entrances), take on an obvious residential approach in their type, proportion, and detailing. The proportions of the windows look to match the more common types of windows seen in the adjacent neighborhood. A number of adjacent houses have a one-over-one type of window which we have used to create a connection in texture with their painted trim boards and sills.

The spacing of these openings are rhythmic and regular like those seen in adjacent homes but are also common to most commercial buildings in the DOD. The vertical spacing is also common to typical commercial buildings which also commonly have higher than residential floor to floor heights, especially in buildings with ground floor retail.

The Bank's proposed addition has been designed with the sensitivity that is desired and expected of contemporary buildings built in historic contexts when referring to documentation like "Regulating New Construction in Historic Districts" published by the National Trust for Historic Places. Projects shown as being appropriate within their contexts utilize the same strategies and use similar design approach and elements and are thus considered model approaches to build in these sensitive areas. The Applicant believes this project will act as a similarly appropriate model for future buildings being developed within the DOD.

Based upon the foregoing, the Board can find that the proposed addition is consistent with the Special Permit Criteria of Section XXVII-F.5.a-c, in that the proposed addition does not disrupt the essential form and integrity of (i) the subject historic building, structure or exterior architectural features, (ii) the lot where it is located, or (iii) its

setting within the DOD. Further, the addition is compatible with the size, scale, height, color (excepting paint color), material, and character of the (x) subject historic building, structure or exterior architectural feature, (y) the lot where it is located, and (z) its setting within the DOD.

Site Plan Review

The Applicant has previously submitted its statements as to why the Site Plan Review requirements are satisfied. In addition, the Board's Peer Review Engineer has provided a letter stating that the Applicant has met the requirements for review for the project.

Pursuant to Section XV-G of the Ordinance, each of the criteria for site plan review are addressed as follows:

1. Community character. The Property is located in the B2 zoning district and is adjacent to other businesses as well as across the street from the R-3 district. The lot is large compared to other lots in the area. The proposed addition is consistent with the community character in that its design reflects that of the residential nature of the portion of the Property to the rear and does not detract from the historic bank structure. The property is proposed to be densely developed, again, consistent with the B2 zoning district as well as the surrounding R-3 district. The additional space to accommodate a small increase in employees and allow a re-distribution of office space and functions and allows the Bank to remain economically competitive while continuing to operate its business in the location it has operated at for almost 150 years and remain a cornerstone of the Downtown Newburyport upper State Street economy.

2. Traffic, parking and public access. Traffic impacts, or the absence thereof, are referenced above and set forth in the Traffic Memorandum. As noted therein the impacts from the addition would be nominal. The Bank has removed one of the existing curb cuts on Prospect Street and all traffic from the on-site parking is accommodated through the Bank exterior (customer) parking lot.

3. Health. The Project will have no negative effect on the public health or safety.

4. Public services and utilities. Both the public water and sewer are provided at the site and there will be nominal impact, if any, to these services. As is shown in the Stormwater Report there will be no additional runoff from the site and all stormwater will be treated on site. Given the age of the prior improvements, the new stormwater facilities will provide more treatment of stormwater than the existing facilities.

5. Land use planning. The proposal is sensitive to the surrounding area and its historic setting. The provision of additional space for the Bank is consistent with the B2 zoning district. Further, as noted above, concentrating economic development in the existing economic centers of the City is consistent with the 2017 Master Plan. By allowing the Bank to increase its footprint it allows the Bank to remain a vibrant part of the City's largest and historic economic centers.

6. Open space and environmental protection. The Property is nearly 37,000 square feet. The addition is being constructed upon an area which already serves as parking. Very limited, if any, open space will be impacted by the proposed addition. There is existing landscaping throughout the Property and the front of the Property will remain unchanged.

Based upon the foregoing, the Board can find that the Applicant meets the Site Plan Review Criteria as provided in the Ordinance.

Respectfully, the Bank has worked tirelessly with this Board and the Historic Commission as well as addressing comments from the neighbors. It is not a choice for the Bank not to improve its facilities. It would be abhorrent to the Ordinance not to allow the Bank to use the Property it is by right permitted to use. The Bank has addressed every item that has been presented to it over the past 9 months, from providing for its own parking to completely changing the design of the proposed addition. Indeed, the Bank agrees that the current proposal is a better proposal than what originally was filed, and for that they appreciate the public process. As noted by one member of the Historic Commission, the proposed addition, like any building, is generally experienced from street level: this building has the same rhythm and feel, roof pitch and size, materials and openings, as that of the remainder of the neighborhood within which it is proposed to be located.

We appreciate your time and consideration and look forward to our continued review with the Board at its next meeting.

Respectfully submitted,
Institution for Savings,
By its Attorney,

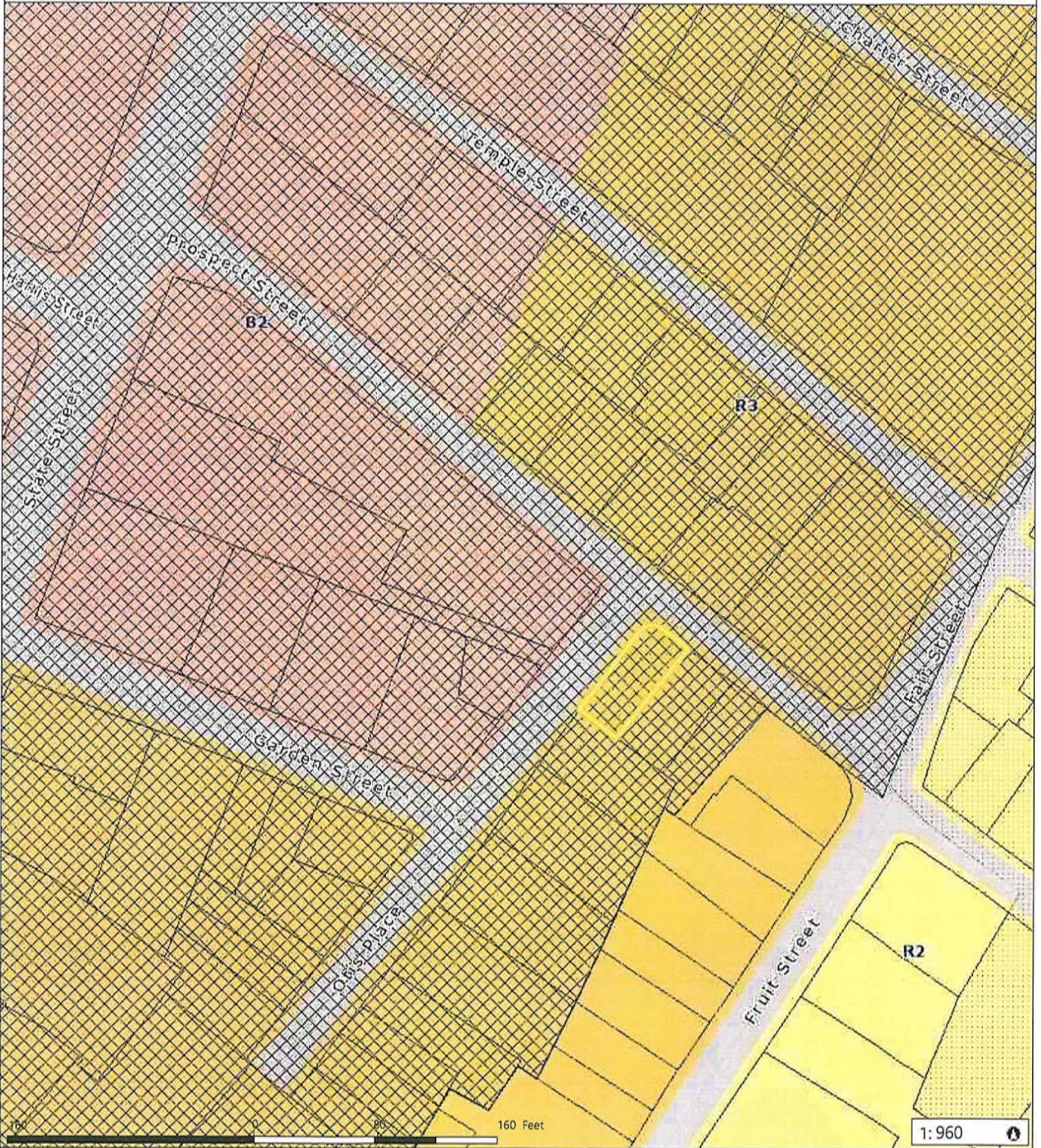
Lisa L. Mead

cc: Client

EXHIBIT A

City of Newburyport

10/22/2020



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



| Legend | |
|------------------------|-----------------------|
| Municipal Boundary | Interstate |
| Parcels | Major Road |
| F90D | CFLRD |
| WVGD | SGODA |
| Zone II | Zone B |
| Stream | Unpaved |
| | AC |
| Zoning Overlay | Local Road |
| IB-RDD | DODD |
| Water Resource Protect | SGODR |
| Road Right of Way | Zone C |
| Paved | Hydrographic Features |
| Intermittent Stream | B1 |
| Intermittent Stream | B2 |
| Railroad | Railroad |
| | DOD |
| | YCRDD |
| | Zone I |
| | Zone I |

EXHIBIT B

| Address | Owner | Built | Last Purchased | Use | Ownership | Owner-Occupied |
|-------------------------------------------------------------|---------------------------------------------------------------------------|-------|----------------|---------------|-----------|----------------|
| 1 Garden Street (direct abutter) | Richard & Mary Pollak | 1800 | 1979 | apartments | 41 years | No |
| 5-7 Garden Street (direct abutter) | Richard & Mary Pollak | 1800 | 1979 | apartments | 41 years | No |
| 97-99 State Street (corner of Garden) | Wojcicki Holdings LLC | 1889 | 2018 | apartments | 2 years | No |
| 2-4 Garden Street | Kenneth Labrecque, Trustee of 2-4 Garden Street Nominee Trust | 1879 | 2003 | apartments | 17 years | No |
| 6 Garden Street | Robert & Jennifer Glendon | 1879 | 2017 | single family | 3 years | Yes |
| 8 Garden Steet | Brian Gendreau and Lynne Turner | 1879 | 2019 | two-family | 1 year | Yes |
| 9-11 Garden Street (direct abutter) | Adrian Alex and John Wernsdorfer, Trustees of 9G Realty Trust | 1869 | 2007 | apartments | 13 years | No |
| 10 Garden Street | Craig Pessina, Trustee of 10 Garden Street Realty Trust | 1879 | 2010 | apartments | 10 years | No |
| 4 Otis Place (direct abutter) | Mark Griffin | 1900 | 2010 | single family | 10 years | Yes |
| 16 Prospect Street (corner of Otis) | Steven Charette, Trustee of Steven M. Charette Revocable Trust | 1880 | 2016 | single family | 4 years | Yes |
| 3 Otis Place (Unit A) | Aaron & Anne Marie Clausen | 1850 | 2014 | condo | 6 years | Yes |
| 5 Otis Place (Unit B) | Elizabeth & Louis Pettit | 1850 | 1993 | condo | 27 years | Yes |
| 7 Otis Place (Unit B) | Philip Egan | 1850 | 2001 | condo | 19 years | Yes |
| 9 Otis Place (Unit A) | Peter & Kelly McNamee, Trustees of Peter M. McNamee 2015 Trust | 1850 | 1994 | condo | 26 years | Yes |
| 11 Otis Place | Dale & Debra Ritter, Trustees of Debra Ritter 2010 Trust | 1900 | 2018 | condo | 2 years | Yes |
| 13 Otis Place | Timothy & Laura Wacker | 1900 | 2019 | condo | 1 year | Yes |
| 15-17 Otis Place Unit 1 | Thomas & Colleen Secino | 1850 | 2005 | condo | 15 years | Yes |
| 15-17 Otis Place Unit 2 | Collene Sheeran | 1850 | 2016 | condo | 2 years | Yes |
| 15-17 Otis Place Unit 3 | Erin Tuomi | 1850 | 2017 | condo | 3 years | Yes |
| 15-17 Otis Place Unit 4 | Ann Maurer | 1850 | 2012 | condo | 8 years | Yes |
| 5 Prospect Street | James & Rita Croteau, Trustees of Croteau Family Revocable Trust | 1889 | 1955 | three-family | 65 years | Yes |
| 7 Prospect Street | James Lagoulis | 1838 | 2018 | single-family | 2 years | No |
| 9 Prospect Street | Jennifer Ashwood & Sean Sullivan | 1850 | 2009 | single-family | 11 years | Yes |
| 11-13 Prospect Street | Peter & Maureen Mackin | 1854 | 2018 | two-family | 2 years | Yes |
| 15-17 Prospect Street | Gary & Linda Karelis, Trustees of G & L Realty Trust (California address) | 1854 | 1986 | apartments | 34 years | No |
| 19-21 Prospect Street | Gary Karelis, Trustee of GMK Realty Trust (California address) | 1854 | 1975 | apartments | 25 years | No |
| Average period of ownership, owner-occupied = 12 years | | | | | | |
| Median period of ownership, owner-occupied = 6 years | | | | | | |
| Average period of ownership, apartment buildings = 23 years | | | | | | |
| Average period of ownership overall = 15 years | | | | | | |
| Median period of ownership overall = 10 years | | | | | | |

EXHIBIT C

| Number | Street | 1st flor Footprint SF | | from GIS | | Perceived Mass | Footprint of Mass SF |
|------------------------------|----------|-----------------------|------|----------|--|---------------------------|----------------------|
| 93 | State | 6591 | comb | y | | Brick Connector | 2325 |
| 93 | State | 2985 | 1980 | | | East Prospect Gable | 1095 |
| 93 | State | 3606 | 1871 | | | West Prospect Gable | 1095 |
| | | | | | | Otis/Garden Gable | 1745 |
| | | | | | | Otis Prospect One Story | 900 |
| 81 | State | 5166 | | y | | | |
| 95 | State | 3175 | | y | | Average of Perceived Mass | 1432 |
| | | | | | | Infill | 2543 |
| 5 | Prospect | 1281 | | y | | | |
| 7 | Prospect | 910 | | y | | | |
| 9 | Prospect | 928 | | y | | | |
| 11-13 | Prospect | 1734 | | y | | | |
| 15-17 | Prospect | 1680 | | y | | | |
| 19-21 | Prospect | 1680 | | y | | | |
| 16 | Prospect | 874 | | y | | | |
| 3 | Otis PI | 1055 | | estim | | | |
| 4 | Otis PI | 682 | | y | | | |
| 7 | Otis PI | 1395 | | estim | | | |
| 11 | Otis PI | 1395 | | estim | | | |
| 1 | Garden | 2472 | | y | | | |
| 5-7 | Garden | 2274 | | y | | | |
| 9-11 | Garden | 1663 | | y | | | |
| Avg. of all Adjacent | | 1942 | | | | | |
| Avg. of all except 93 State | | 1773 | | | | | |
| Avg. of all except State St. | | 1430 | | | | | |

EXHIBIT D

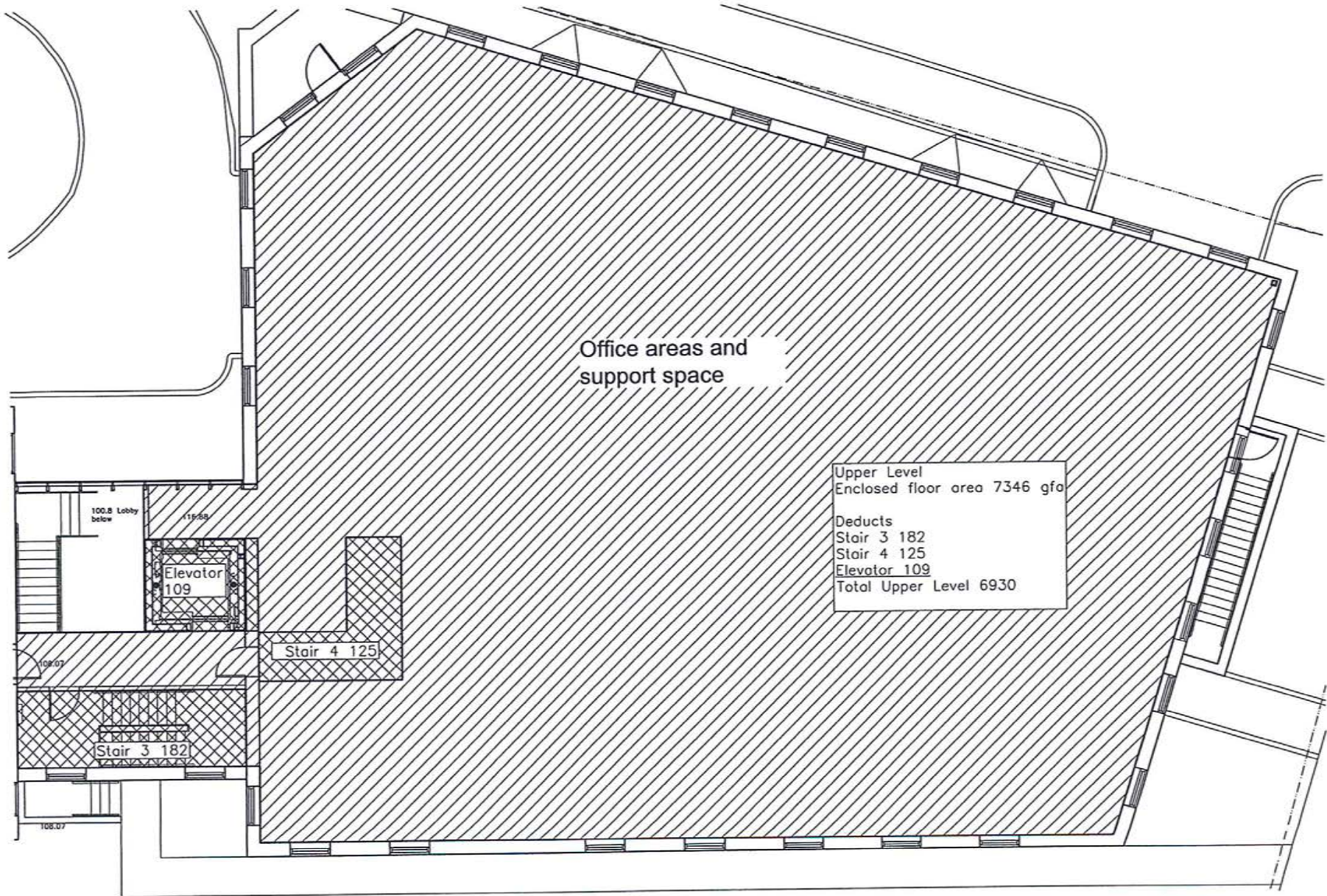


EXHIBIT E

Lisa Mead

From: Steve Bradbury <SBradbury@CityofNewburyport.com>
Sent: Tuesday, October 27, 2020 10:38 AM
To: Lisa Mead
Cc: Andrew Port; Katelyn E. Sullivan
Subject: RE: [Ext]RE: 93 State Street / Institution for Savings

Hi Lisa:

The fire department would not be in favor of either of those plans.

We do not want to: 1) Back vehicles out onto State Street.

2) Fight a vehicle fire 2 levels below grade.

Thanks
Deputy Bradbury
Newburyport Fire Department

From: Lisa Mead [lisa@mtclawyers.com]
Sent: Monday, October 26, 2020 3:27 PM
To: Steve Bradbury
Subject: [Ext]RE: 93 State Street / Institution for Savings

external e-mail use caution opening
Steve,

Following up on the request below please.

Thanks

Lisa

Lisa L. Mead
Mead, Talerman & Costa, LLC
30 Green Street
Newburyport MA 01950
978 463 7700 ext 101
Fax 978 463 7747
Lisa@MTClawyers.com

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If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

☛ Think before you print.

From: Lisa Mead
Sent: Thursday, October 22, 2020 1:20 PM
To: Steve Bradbury <SBradbury@CityofNewburyport.com>
Subject: 93 State Street / Institution for Savings

Deputy Bradbury,

I am writing to follow up on your earlier review of the proposed addition on the Institution for Savings Building on State Street. At the Planning Board meeting last evening, a member requested that the Applicant look at the possibility of closing off the ingress and egress to Prospect Street, leaving only the ingress and egress to the site from the State Street curb cut.

You might recall, as part of the proposed addition, the Applicant will be constructing an addition with interior lift parking, with one level of parking below grade. The egress from the garage/parking area will flow into the "round about" at the drive through window. The Applicant is proposing to keep the current egress/ingress at Prospect at the drive through window area along with the State Street curb cut ingress and egress.

The Board member had two questions:

1. Could we eliminate the ingress/egress on Prospect Street and have one ingress/egress to the property off of State Street and no other?
2. Could the applicant consider having two levels of parking below grade?

Before the Applicant decides whether or not it can from a design and operation point of view consider those two requests, we wanted to know from a public safety point of view if you would approve of these changes.

I appreciate your time and consideration.

Thank you,

Lisa

Lisa L. Mead
Mead, Talerman & Costa, LLC
30 Green Street
Newburyport MA 01950
978 463 7700 ext 101
Fax 978 463 7747
Lisa@MTClawyers.com

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If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

 Think before you print.

EXHIBIT F



Ron Müller & Associates

Traffic Engineering and Consulting Services

56 Teresa Road
Hopkinton, MA 01748
Tel.: (508) 395-1576
Fax: (508) 435-2481
www.RonMullerAssociates.com

Ref.: 19053

October 27, 2020

Ms. Kim Rock
Institution for Savings
93 State Street
Newburyport, MA 01950

Reg.: Institution for Savings Expansion
93 State Street, Newburyport, MA

Dear Kim:

Ron Müller & Associates (RMA) has prepared this letter to document the increase in traffic on the roads surrounding the above-referenced project resulting from the recent changes made to the project. Our prior letter dated May 13, 2020 correctly documented the increase in traffic from the bank expansion plans, but assumed that all new site traffic would exit onto Prospect Street as the prior plans for the project provided an exit-only driveway onto Prospect Street from the proposed parking garage. The current plans eliminate this driveway and accommodate all entering and exiting traffic via the existing bank driveways.

Based on the trip generation and distribution assumptions contained in the May 13th letter and the current site expansion plans, all of the new bank traffic is expected to use the State Street driveway for both entering and exiting movements. Use of this driveway is faster to reach bank employee's desired destinations than using Prospect Street. Accordingly, State Street will experience an increase in traffic between 1 and 12 additional cars during the peak commuter hours with smaller increases during all other hours of the day. **Prospect Street will have no increase in traffic from the current development plans due to the elimination of the Prospect Street exit driveway.** By comparison, our May 13th letter predicted that State Street would experience an increase in traffic of 1 to 6 additional peak hour cars and Prospect Street an increase of 1 to 10 additional peak hour cars. Accordingly, the current bank expansion plans have no traffic impact on the surrounding neighborhood streets.

Ms. Kim Rock
October 27, 2020
Page 2 of 2

Please feel free to contact me should you have any questions regarding these estimates or conclusions.

Sincerely,

Ron Müller & Associates



Ronald Müller, P.E.
Principal

PERMIT SITE DEVELOPMENT PLANS
 (TO ACCOMPANY A SITE PLAN REVIEW APPLICATION)

93 STATE STREET
 (MAP: 14 LOTS: 39 & 40)

LOCATED IN

NEWBURYPORT, MASSACHUSETTS

DATE: JANUARY 8, 2020
 REVISED: FEBRUARY 6, 2020
 REVISED: MARCH 25, 2020
 REVISED: MAY 20, 2020
 REVISED: OCTOBER 14, 2020
 REVISED: OCTOBER 28, 2020

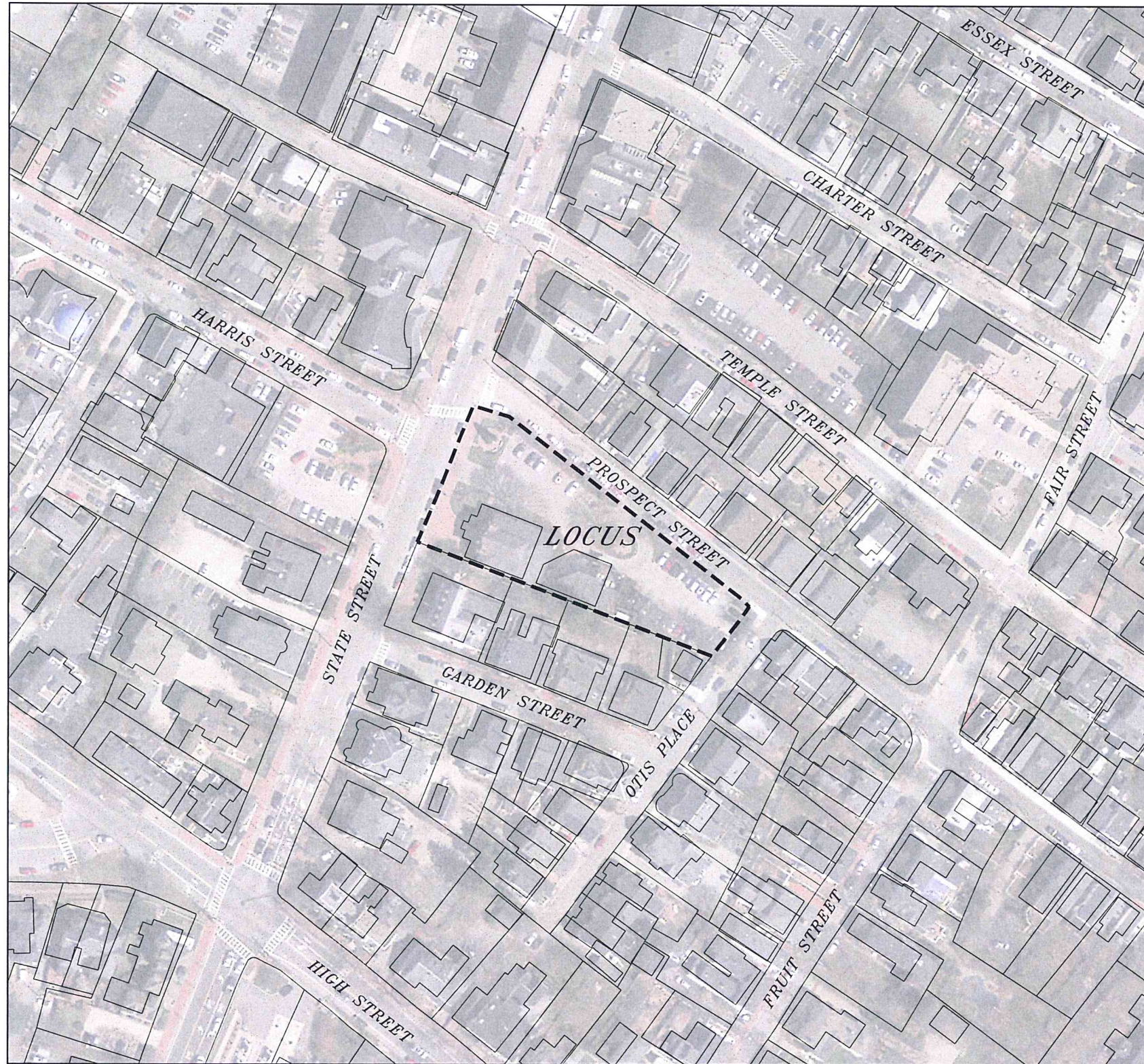
OWNER/APPLICANT:
INSTITUTION FOR SAVINGS
 93 STATE STREET
 NEWBURYPORT, MASSACHUSETTS 01950

MERIDIAN ASSOCIATES
 500 CUMMINGS CENTER SUITE 5950 BEVERLY, MASSACHUSETTS 01915
 69 MILK STREET, SUITE 208 WESTBOROUGH, MASSACHUSETTS 01581
 TELEPHONE: (978) 299-0447 TELEPHONE: (508) 871-7030
 WWW.MERIDIANASSOC.COM



DRAWING INDEX:

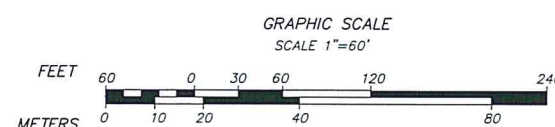
- SHEET 1 COVER SHEET
- SHEET 2 RECORD CONDITIONS/DEMOLITION PLAN
- SHEET 3 SITE LAYOUT, GRADING & EROSION CONTROL PLAN
- SHEET 4 SITE UTILITY PLAN
- SHEET 5 LANDSCAPING PLAN
- SHEET 6 SITE DETAILS
- SHEET 7 SITE DETAILS

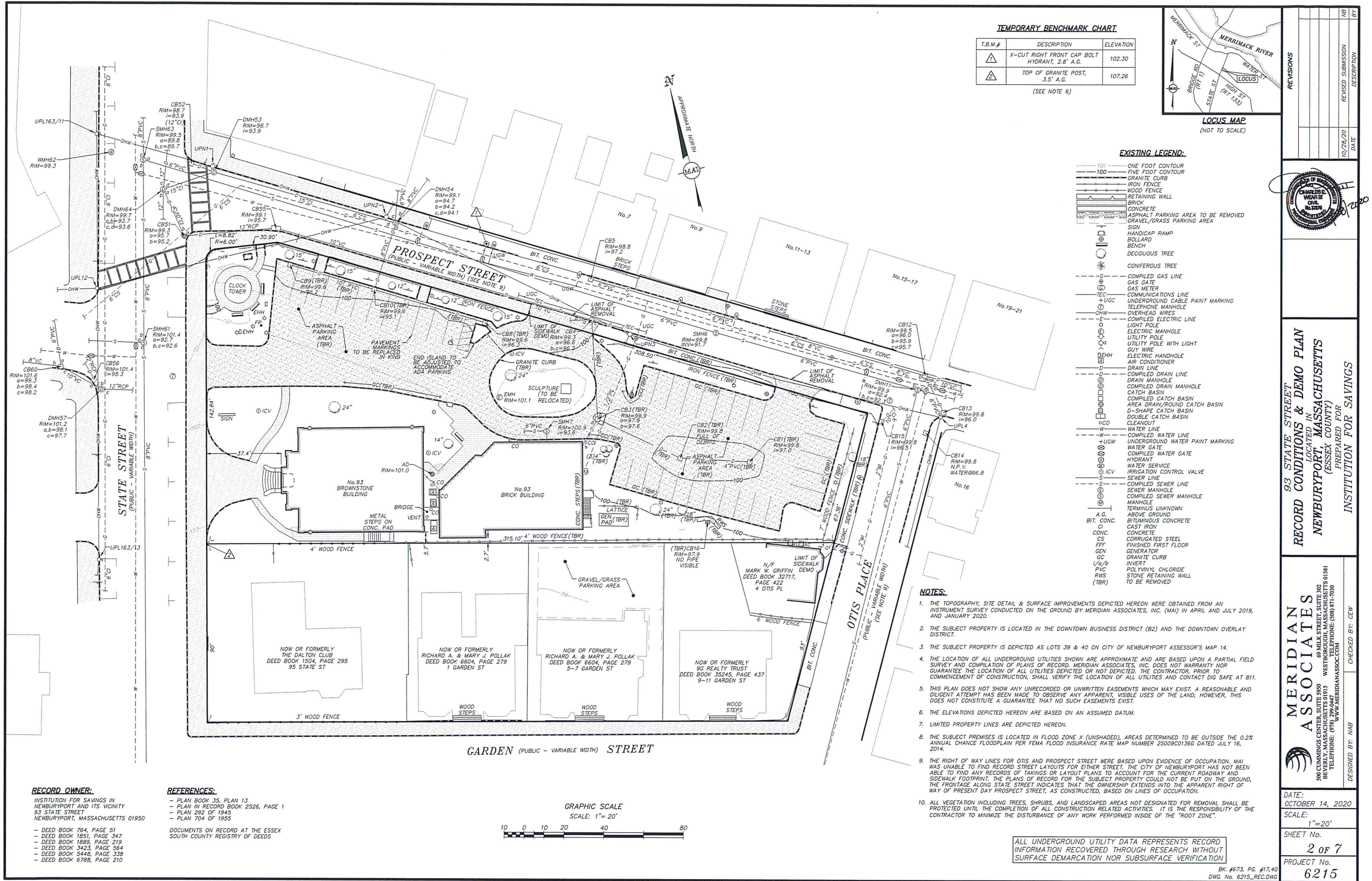


APPROVED BY PLANNING BOARD

DATE: _____

LOCUS CONTEXT MAP

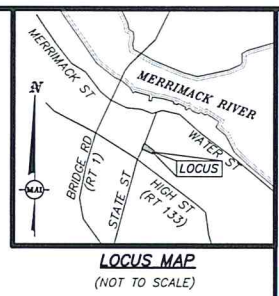




TEMPORARY BENCHMARK CHART

| T.B.M.# | DESCRIPTION | ELEVATION |
|---------|-----------------------------------------------|-----------|
| △ | X-CUT RIGHT FRONT CAP BOLT HYDRANT, 2.8' A.G. | 102.30 |
| △ | TOP OF GRANITE POST, 3.5' A.G. | 107.26 |

(SEE NOTE 6)



EXISTING LEGEND:

- 101 ONE FOOT CONTOUR
- 100 FIVE FOOT CONTOUR
- GRANITE CURB
- IRON FENCE
- WOOD FENCE
- RETAINING WALL
- BRICK
- CONCRETE
- ASPHALT PARKING AREA TO BE REMOVED
- GRAVEL/GRASS PARKING AREA
- SIGN
- HANDICAP RAMP
- BOLLARD
- BENCH
- DECIDUOUS TREE
- CONIFEROUS TREE
- CG COMPILED GAS LINE
- GC GAS GATE
- GC GAS METER
- TEC COMMUNICATIONS LINE
- +UGC UNDERGROUND CABLE PAINT MARKING
- TEC TELEPHONE MANHOLE
- OHW OVERHEAD WIRES
- E COMPILED ELECTRIC LINE
- LP LIGHT POLE
- EMH ELECTRIC MANHOLE
- UP UTILITY POLE
- UP UTILITY POLE WITH LIGHT GUY WIRE
- EHH ELECTRIC HANDHOLE
- AC AIR CONDITIONER
- D DRAIN LINE
- CD COMPILED DRAIN LINE
- DM DRAIN MANHOLE
- CDM COMPILED DRAIN MANHOLE
- CB CATCH BASIN
- CDM COMPILED CATCH BASIN
- AD AREA DRAIN/ROUND CATCH BASIN
- D-SHAPE CATCH BASIN
- DC DOUBLE CATCH BASIN
- CCO CLEAFOUT
- W WATER LINE
- WC COMPILED WATER LINE
- +UGW UNDERGROUND WATER PAINT MARKING
- WG WATER GATE
- WC COMPILED WATER GATE
- HYDRANT
- WATER SERVICE
- ICV IRRIGATION CONTROL VALVE
- S SEWER LINE
- SC COMPILED SEWER LINE
- SM SEWER MANHOLE
- SCM COMPILED SEWER MANHOLE
- M MANHOLE
- TK TERMINUS UNKNOWN
- A.G. ABOVE GROUND
- BIT. CONC. BITUMINOUS CONCRETE
- CI CAST IRON
- CONC. CONCRETE
- CS CORRUGATED STEEL
- FF FINISHED FIRST FLOOR
- GEN GENERATOR
- GC GRANITE CURB
- I/a/b INVERT
- PVC POLYVINYL CHLORIDE
- RWS STONE RETAINING WALL
- (TBR) TO BE REMOVED

NOTES:

- THE TOPOGRAPHY, SITE DETAIL & SURFACE IMPROVEMENTS DEPICTED HEREON WERE OBTAINED FROM AN INSTRUMENT SURVEY CONDUCTED ON THE GROUND BY MERIDIAN ASSOCIATES, INC. (MAI) IN APRIL AND JULY 2019, AND JANUARY 2020.
- THE SUBJECT PROPERTY IS LOCATED IN THE DOWNTOWN BUSINESS DISTRICT (B2) AND THE DOWNTOWN OVERLAY DISTRICT.
- THE SUBJECT PROPERTY IS DEPICTED AS LOTS 39 & 40 ON CITY OF NEWBURYPORT ASSESSOR'S MAP 14.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE BASED UPON A PARTIAL FIELD SURVEY AND COMPILATION OF PLANS OF RECORD, MERIDIAN ASSOCIATES, INC. DOES NOT WARRANT NOR GUARANTEE THE LOCATION OF ALL UTILITIES DEPICTED OR NOT DEPICTED. THE CONTRACTOR, PRIOR TO COMMENCEMENT OF CONSTRUCTION, SHALL VERIFY THE LOCATION OF ALL UTILITIES AND CONTACT DIG SAFE AT 811.
- THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
- THE ELEVATIONS DEPICTED HEREON ARE BASED ON AN ASSUMED DATUM.
- LIMITED PROPERTY LINES ARE DEPICTED HEREON.
- THE SUBJECT PREMISES IS LOCATED IN FLOOD ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25009C01366 DATED JULY 16, 2014.
- THE RIGHT OF WAY LINES FOR OTIS AND PROSPECT STREET WERE BASED UPON EVIDENCE OF OCCUPATION. MAI WAS UNABLE TO FIND RECORD STREET LAYOUTS FOR EITHER STREET. THE CITY OF NEWBURYPORT HAS NOT BEEN ABLE TO FIND ANY RECORDS OF TAKINGS OR LAYOUT PLANS TO ACCOUNT FOR THE CURRENT ROADWAY AND SIDEWALK FOOTPRINT. THE PLANS OF RECORD FOR THE SUBJECT PROPERTY COULD NOT BE PUT ON THE GROUND. THE FRONTAGE ALONG STATE STREET INDICATES THAT THE OWNERSHIP EXTENDS INTO THE APPARENT RIGHT OF WAY OF PRESENT DAY PROSPECT STREET, AS CONSTRUCTED, BASED ON LINES OF OCCUPATION.
- ALL VEGETATION INCLUDING TREES, SHRUBS, AND LANDSCAPED AREAS NOT DESIGNATED FOR REMOVAL SHALL BE PROTECTED UNTIL THE COMPLETION OF ALL CONSTRUCTION RELATED ACTIVITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO MINIMIZE THE DISTURBANCE OF ANY WORK PERFORMED INSIDE OF THE "ROOT ZONE".

ALL UNDERGROUND UTILITY DATA REPRESENTS RECORD INFORMATION RECOVERED THROUGH RESEARCH WITHOUT SURFACE DEMARCATION NOR SUBSURFACE VERIFICATION

| NO. | DATE | REVISION | DESCRIPTION |
|----------|------|--------------------|-------------|
| 10/28/20 | | REVISED SUBMISSION | |



RECORD CONDITIONS & DEMO PLAN
 LOCATED IN
NEWBURYPORT, MASSACHUSETTS
 (ESSEX COUNTY)
 PREPARED FOR
INSTITUTION FOR SAVINGS

MERIDIAN ASSOCIATES
 500 CUMMINGS CENTER, SUITE 9900
 BEVERLY HILLS, MASSACHUSETTS 01831
 TELEPHONE: (978) 294-4447
 WWW.MERIDIANASSOC.COM
 CHECKED BY: CEW

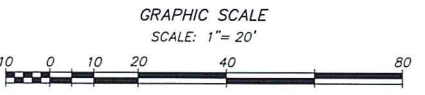
RECORD OWNER:
 INSTITUTION FOR SAVINGS IN NEWBURYPORT AND ITS VICINITY
 93 STATE STREET
 NEWBURYPORT, MASSACHUSETTS 01950

- DEED BOOK 764, PAGE 51
- DEED BOOK 1851, PAGE 347
- DEED BOOK 1889, PAGE 219
- DEED BOOK 3423, PAGE 564
- DEED BOOK 5448, PAGE 336
- DEED BOOK 6788, PAGE 210

REFERENCES:

- PLAN BOOK 35, PLAN 13
- PLAN IN RECORD BOOK 2526, PAGE 1
- PLAN 292 OF 1945
- PLAN 704 OF 1955

DOCUMENTS ON RECORD AT THE ESSEX SOUTH COUNTY REGISTRY OF DEEDS



SCHEDULE OF DIMENSIONAL CONTROLS

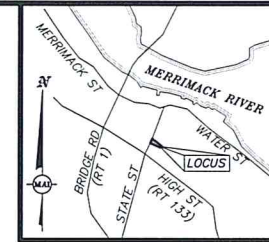
ZONING DISTRICT: 404 B-2 (DOWNTOWN OVERLAY DISTRICT)

| REQUIREMENT | REQUIRED | EXISTING | PROPOSED ADDITION |
|-----------------|------------|-------------|-------------------|
| LOT AREA: | 5,000 S.F. | 36,998±S.F. | 36,998±S.F. |
| FRONTAGE: | 60 FT. | 491.06± FT. | 491.06± FT. |
| LOT WIDTH: | N/A | VARIES | VARIES |
| FRONT YARD: | 0 FT. | 37.4± FT. | 0 FT. |
| SIDE YARD: | 0 FT. | 126.4± FT. | 0 FT. |
| REAR YARD: | 0 FT. | 2.7± FT. | 5.1± FT. |
| PARKING SPACES: | 62 | 36 | 62 |

TEMPORARY BENCHMARK CHART

| T.B.M.# | DESCRIPTION | ELEVATION |
|---------|-----------------------------------------------|-----------|
| △ | X-CUT RIGHT FRONT CAP BOLT HYDRANT, 2.8' A.G. | 102.30 |
| △ | TOP OF GRANITE POST | 107.26 |

(SEE NOTE 6 SHEET 2)



LOCUS MAP
(NOT TO SCALE)

EROSION CONTROL LEGEND

- PROPOSED SILTSAC CATCHBASIN INLET PROTECTION

EROSION CONTROL NOTES:

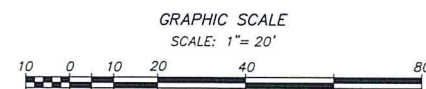
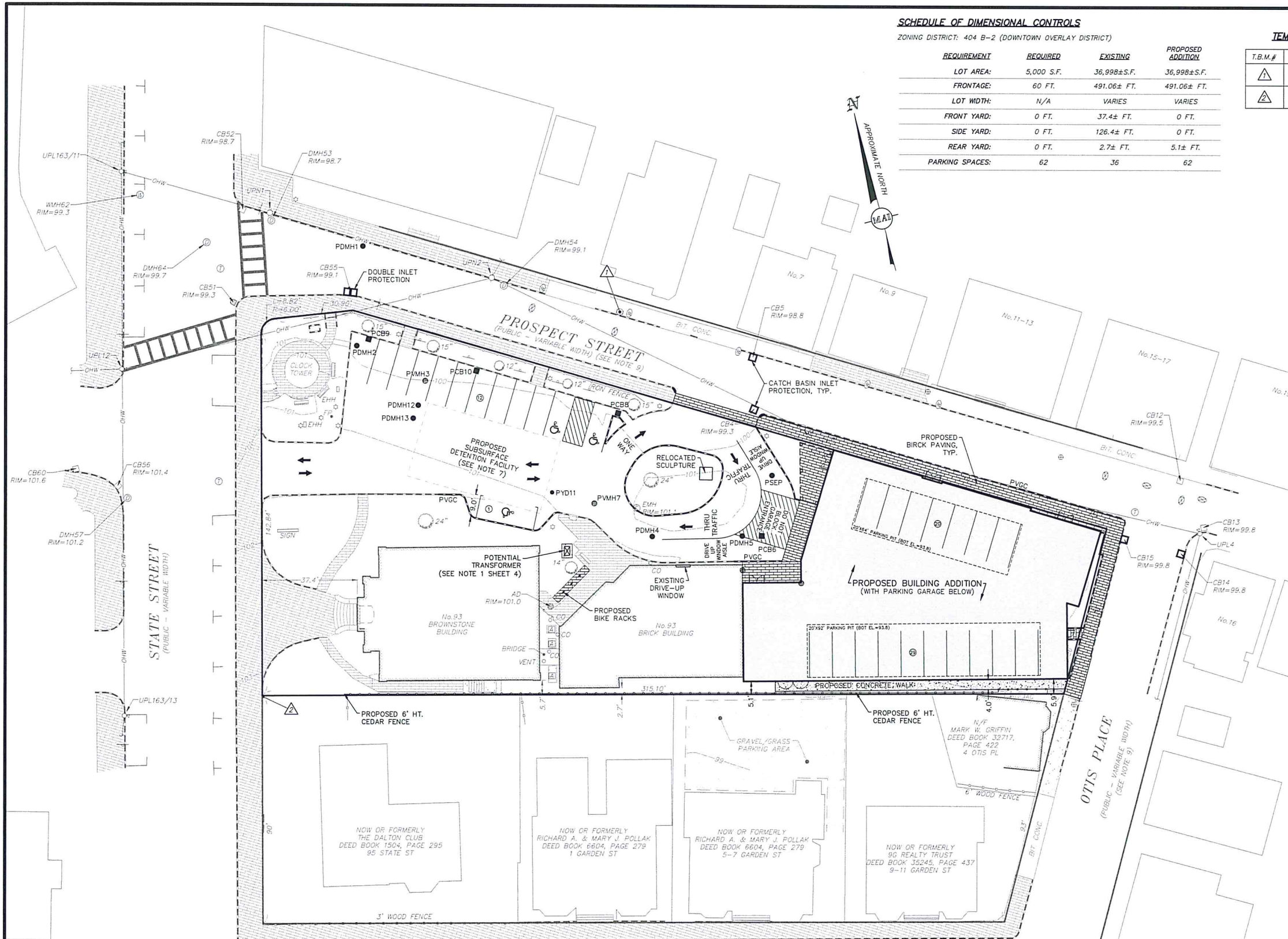
- ALL EXISTING STRUCTURES WITHIN THE LIMIT OF WORK TO BE REMOVED SHALL BY PROTECTED AND MAINTAINED UNTIL TIME OF REMOVAL/REPLACEMENT.
- EROSION CONTROL DEVICES SHALL BE CHECKED WEEKLY TO ENSURE PROPER FUNCTION.
- LOCATION OF TEMPORARY CONSTRUCTION ENTRANCE TO BE DETERMINED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES.

PROPOSED LEGEND

- PROPOSED VERTICAL GRANITE CURB
- PROPOSED WOODEN FENCE
- PROPOSED CONCRETE WALK
- PROPOSED SUBSURFACE DETENTION FACILITY
- PROPOSED BRICK PAVING
- PROPOSED WHEELCHAIR RAMP
- PROPOSED DECORATIVE POLE LIGHT
- PROPOSED RECESSED LIGHT
- PROPOSED BIKE RACK
- PDMH PROPOSED DRAIN MANHOLE
- PVCB PROPOSED VORTECH CATCHBASIN
- PCB PROPOSED CATCHBASIN
- PVGC PROPOSED VERTICAL GRANITE CURB

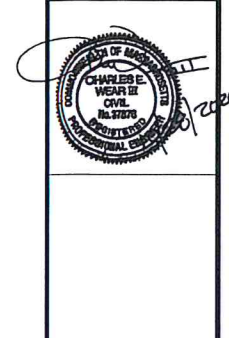
PARKING NOTES:

- TOTAL NUMBER OF PARKING SPACES BASED ON USE OF CITY LIFT 2600X6750 SUBTERRANEAN PARKING SYSTEM.



REVISIONS

| NO | DATE | DESCRIPTION |
|----------|------|--------------------|
| 10/28/20 | | REVISED SUBMISSION |



93 STATE STREET & EROSION CONTROL PLAN
LOCATED IN
NEWBURYPORT, MASSACHUSETTS
(ESSEX COUNTY)
PREPARED FOR
INSTITUTION FOR SAVINGS

MERIDIAN ASSOCIATES
500 CUMMINGS CENTER, SUITE 950
BEVERLY, MASSACHUSETTS 01915
TELEPHONE: (978) 621-7030
WWW.MERIDIANASSOC.COM

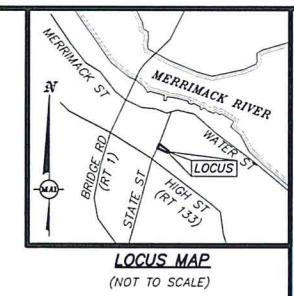
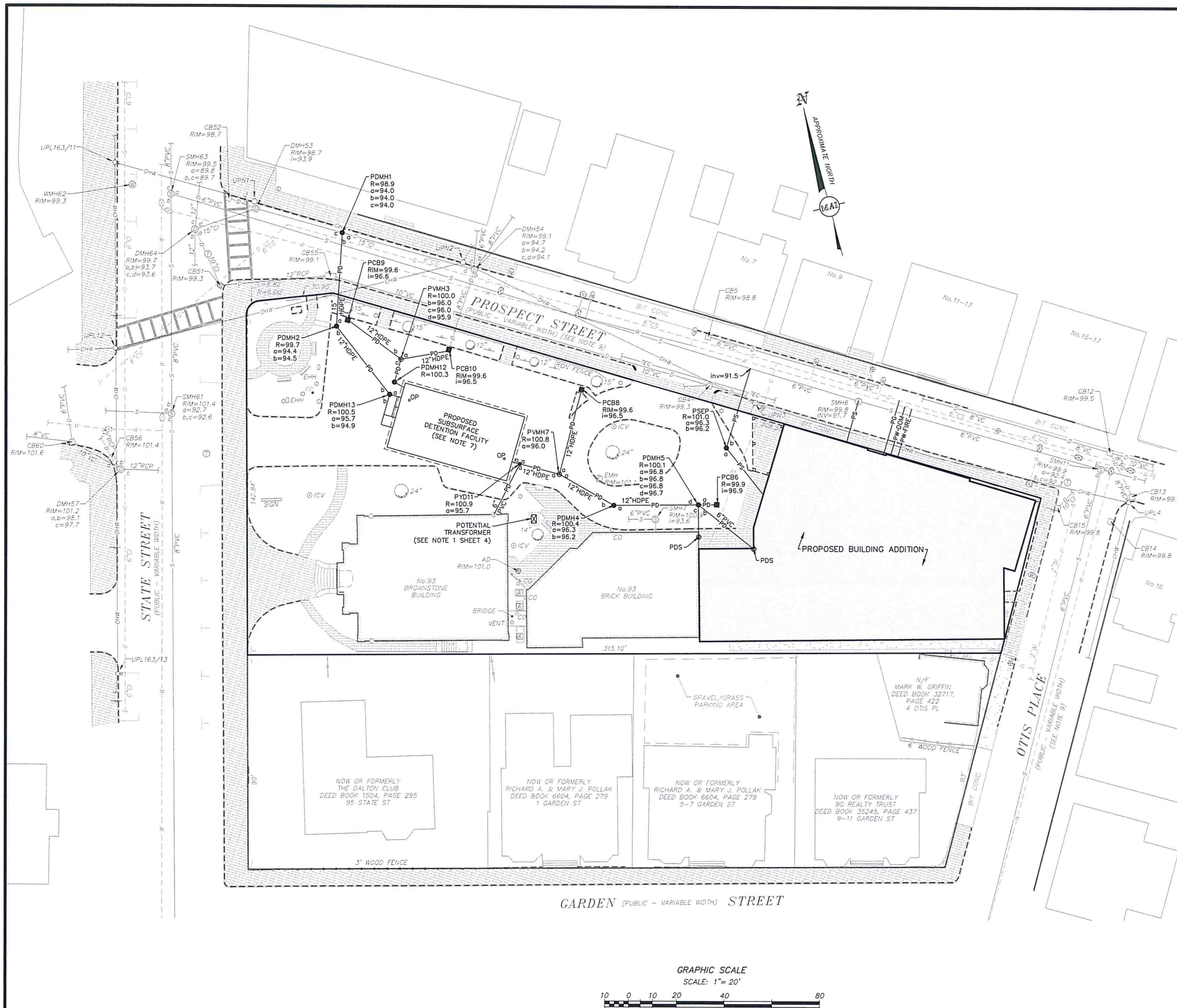
DESIGNED BY: MAB
CHECKED BY: CEW

DATE: OCTOBER 14, 2020
SCALE: 1"=20'
SHEET No. **3 OF 7**
PROJECT No. **6215**

FOR PERMITTING ONLY
NOT FOR CONSTRUCTION

(XREF: 6215-REC)
DWG. No. 6215-SITE.BAK.DWG

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- PROPOSED LEGEND:**
- PD — PROPOSED DRAIN LINE
 - PDMH — PROPOSED DRAIN MANHOLE
 - PDS — PROPOSED DOWNSPOUT
 - ⊙ PVMH — PROPOSED VORTEX MANHOLE
 - PS — PROPOSED SEWER LINE
 - PFD — PROPOSED FLOOR DRAIN
 - PSEP — PROPOSED OIL & GRIT SEPARATOR
 - PS — PROPOSED SEWER LINE
 - PW — PROPOSED WATER LINE
 - ⊙ — PROPOSED HYDRANT
 - PG — PROPOSED GAS LINE
 - OP — PROPOSED OBSERVATION PORT
 - R = RIM ELEVATION
 - a = b = i = INVERT ELEVATIONS

- PROPOSED UTILITY NOTES:**
- PROPOSED TRANSFORMER LOCATION IS APPROXIMATE AND MAY CHANGE PER REQUEST OF UTILITY COMPANY. ADDITIONAL UTILITY INFORMATION IS NEEDED TO VERIFY THE FINAL LOCATION.
 - COORDINATE UTILITY CONSTRUCTION WITH ALL TRADES AND CORRESPONDING DESIGN PLANS FOR CONNECTION TO PROPOSED BUILDING AND SITE UTILITIES.
 - PROPOSED ELECTRIC AND UTILITY CONNECTIONS DEPICTED HERON HAVE BEEN PROVIDED FOR SCHEMATIC PURPOSE ONLY. ACTUAL UTILITY CONFIGURATIONS SHALL BE DETERMINED BY RESPECTIVE UTILITY PROVIDERS, MEP SPECIFICATIONS AND ARCHITECTURAL PLANS.
 - LOCATION OF PROPOSED OIL AND GRIT SEPARATOR SHOWN FOR SCHEMATIC PURPOSES ONLY. ALL DESIGN CALCULATIONS AND DETAIL FOR SYSTEM SHALL BE SHOWN ON THE CONSTRUCTION PLANS WHICH WILL BE PROVIDED TO THE BOARD OF HEALTH FOR REVIEW AND APPROVAL.
 - INTERIOR FLOOR DRAIN SYSTEM SHALL BE DESIGNED BY MEP AND SUBMITTED TO THE DPS FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
 - LOCATIONS OF ROOF DRAIN GUTTER DOWNSPOUTS TO BE COORDINATED WITH ARCHITECTURAL PLANS.
 - REFER TO SUBSURFACE DETENTION FACILITY DETAIL (SHEET 6) FOR ADDITIONAL INLET INFORMATION.

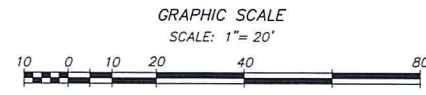
| NO | DATE | REVISION | BY |
|----------|------|--------------------|----|
| 10/26/20 | DATE | REVISED SUBMISSION | MB |
| | | DESCRIPTION | BY |



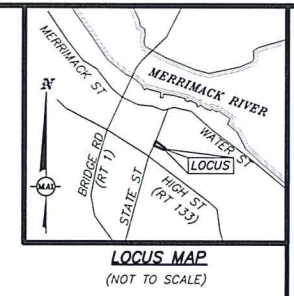
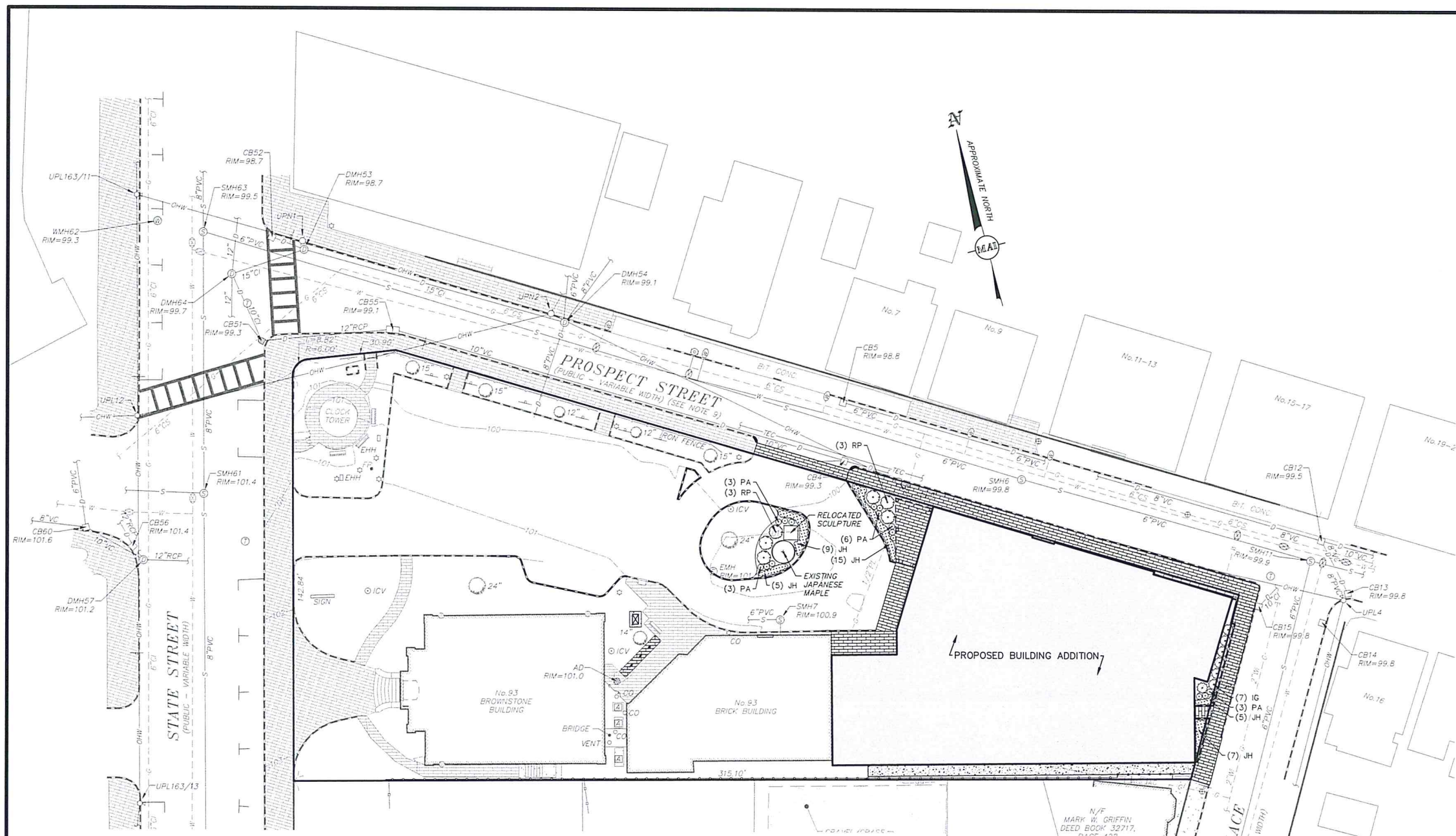
93 STATE STREET
 SITE UTILITY PLAN
 LOCATED IN
 NEWBURYPORT, MASSACHUSETTS
 (ESSEX COUNTY)
 PREPARED FOR
 INSTITUTION FOR SAVINGS

MERIDIAN ASSOCIATES
 500 CUMMINGS CENTER, SUITE 9920
 BEVERLY, MASSACHUSETTS 01915
 WESTBOROUGH, MASSACHUSETTS 01581
 TELEPHONE: (978) 991-7030
 WWW.MERIDIANASSOCIATES.COM
 DESIGNED BY: NAB/AF
 CHECKED BY: CEW

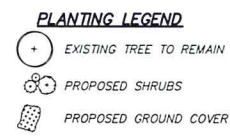
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 SHEET No.
4 OF 7
 PROJECT No.
6215



FOR PERMITTING ONLY
NOT FOR CONSTRUCTION



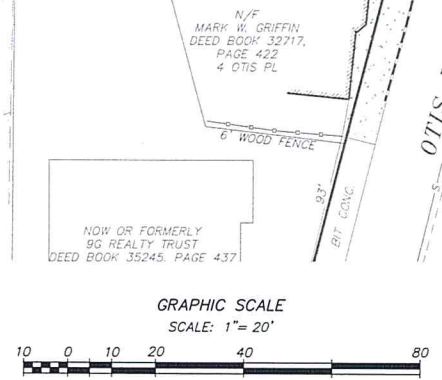
| REVISIONS | DATE | DESCRIPTION |
|-----------|----------|---------------------|
| | 10/28/20 | REVISION SUBMISSION |
| | | |



93 STATE STREET
 SITE LANDSCAPE PLAN
 LOCATED IN
 NEWBURYPORT, MASSACHUSETTS
 (ESSEX COUNTY)
 PREPARED FOR
 INSTITUTION FOR SAVINGS

| QTY | SYM | LATIN NAME | COMMON NAME | SIZE | NOTES |
|--------------------------------------|-----|-----------------------------------------|---------------------------|----------------------|---------------------------------------------------------------------------|
| SHRUBS | | | | | |
| 7 | IG | <i>Ilex glabra</i> 'Shamrock' | Shamrock inkberry | 24"-30" Ht. B&B | DR DT N ST 36" OC Greenish-White Birds Evergreen May-June |
| 6 | RP | <i>Rhododendron</i> x PJM | PJM Rhododendron | 24"-30" Ht. #5 Pot | DR 60" OC Purple Winter Interest April |
| PERENNIALS & GROUND COVER | | | | | |
| 15 | PA | <i>Perovskia atriplicifolia</i> | Russian Sage | #1 Pot | DR DT ST 18" OC Purple Birds/Butterflies June-August |
| 41 | JH | <i>Juniperus horizontalis</i> 'Wiltoni' | Blue Rug Creeping Juniper | #2 Pot | BR DR DT N ST 48" OC Evergreen Winter Interest |

DR = DEER RESISTANT | DT = DROUGHT TOLERANT | N = NATIVE | ST = SALT TOLERANT | OC = ON-CENTER | B&B = BALLED AND BURLAPPED

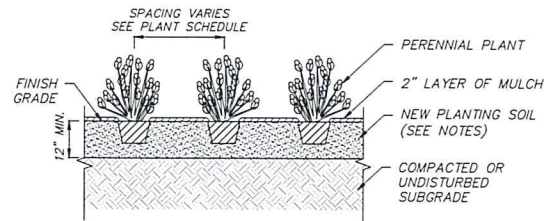


- NOTES:**
- ALL PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED BY THE "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY AMERICANHORT 2014 AND AS AMENDED.
 - ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FOLLOWING THE DATE OF ACCEPTANCE BY OWNER OR OWNER'S REPRESENTATIVE.
 - NO DEVIATIONS OR SUBSTITUTIONS FROM THE PLANT SCHEDULE SHALL BE ALLOWED WITHOUT WRITTEN AUTHORIZATION FROM THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS INCLUDING EXISTING TREES AGAINST DAMAGE DURING THE CONSTRUCTION PERIOD. PROTECTION SHALL BEGIN PRIOR TO COMMENCEMENT OF ANY WORK AND CONTINUE UNTIL FINAL ACCEPTANCE BY OWNER OR OWNER'S REPRESENTATIVE.
 - ALL NEW PLANTING AREAS SHALL BE EXCAVATED TO A DEPTH THAT CONFORMS WITH THE PLANTING DETAILS (SHEET 7 OF THIS PLAN SET) AND RECEIVE NEW PLANTING SOIL.
 - ALL MATERIALS REMOVED FROM SITE SHALL BE DISPOSED OF IN A LEGAL AND PROFESSIONAL MANNER.
 - ALL DISTURBED AREAS SHALL BE RE-SEEDING WITHIN 15 DAYS OF DISTURBANCE OR REPLANTING AS SHOWN HEREON WITH A DROUGHT TOLERANT TURFGRASS SEED MIX (80% TALL FESCUE, 10% PERENNIAL RYE GRASS, 10% KENTUCKY BLUEGRASS) AT THE DIRECTION OF THE OWNER'S REPRESENTATIVE.
 - BALLED AND BURLAPPED PLANTS MAY BE PLANTED IN THE SPRING FROM APRIL 1ST UNTIL JUNE 15TH AND IN THE FALL FROM AUGUST 15TH TO NOVEMBER 15TH.

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 NOT FOR CONSTRUCTION

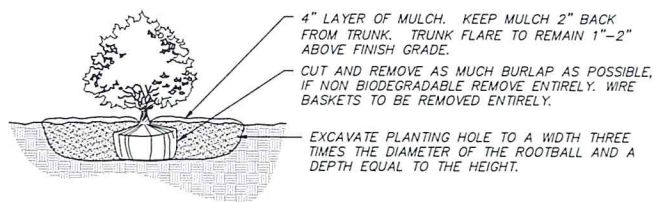
MERIDIAN ASSOCIATES
 500 CUMMINGS CENTER SUITE 500
 BEVERLY, MASSACHUSETTS 01915
 TELEPHONE: (978) 294-4447
 WWW.MERIDIANASSOC.COM

DESIGNED BY: MAB
 CHECKED BY: CEW
 DATE: OCTOBER 14, 2020
 SCALE: 1"=20'
 SHEET No. 5 OF 7
 PROJECT No. 6215



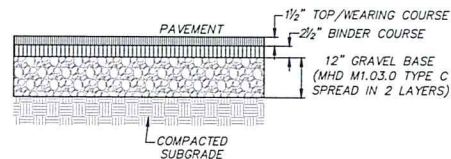
- NOTE:
- SEE LANDSCAPE NOTES FOR ADDITIONAL PLANTING REQUIREMENTS.
 - SPACE PLANTS EQUALLY TO PROVIDE CONSISTENT COVER OVER INDICATED PLANTING BED.
 - ALL ROOT BALLS TO BE SCARIFIED PRIOR TO BACKFILLING.

GROUNDCOVER / ANNUAL / PERENNIAL PLANTING
(NOT TO SCALE)



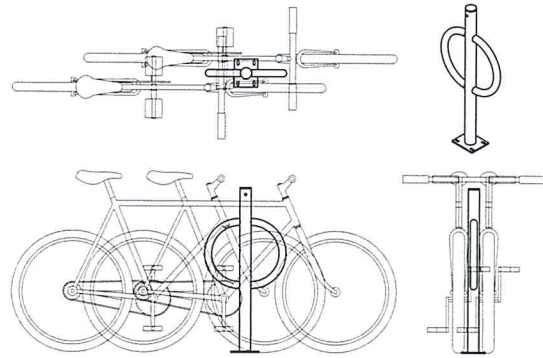
- NOTES:
- BACKFILL PLANTING HOLE WITH NEW PLANTING SOIL.
 - BACKFILL HALF THE SOIL AND WATER TO SETTLE OUT AIR POCKETS, COMPLETE BACKFILLING AND REPEAT WATERING.
 - IF ROOTS ARE CIRCLING THE ROOTBALL EXTERIOR, CUT ROOTS VERTICALLY IN SEVERAL PLACES PRIOR TO PLANTING.

SHRUB PLANTING
(NOT TO SCALE)



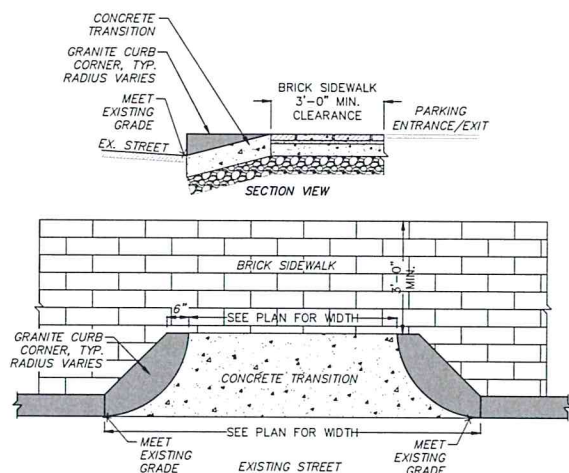
NOTE:
THE WEARING AND BINDER COURSES SHALL CONSIST OF CLASS 1 TYPE I-1 BITUMINOUS CONCRETE (HOT MIX ASPHALT)

BITUMINOUS CONCRETE PAVEMENT
(NOT TO SCALE)



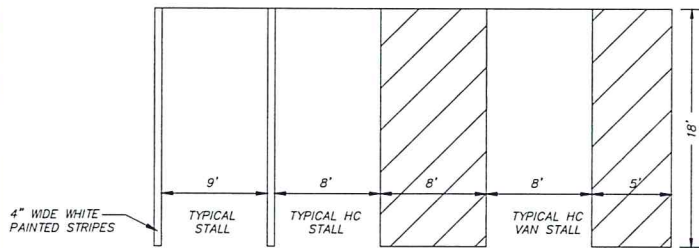
NOTE:
MAKE AND MODEL TO BE APPROVED BY PROJECT OWNER PRIOR TO INSTALLATION. REFER TO MANUFACTURER'S SPECIFICATIONS FOR DETAILS.

BICYCLE RACK
(NOT TO SCALE)



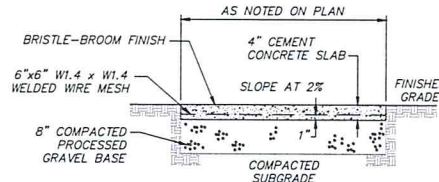
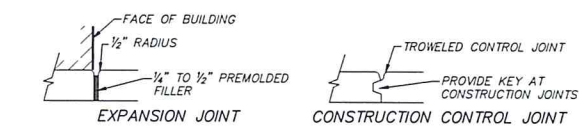
GRANITE CURB CORNER SHALL MEET THE REQUIREMENTS OF MASS. HIGHWAY STANDARD SPECIFICATIONS M9.04.6

PARKING ENTRANCE/EXIT TRANSITION
(NOT TO SCALE)



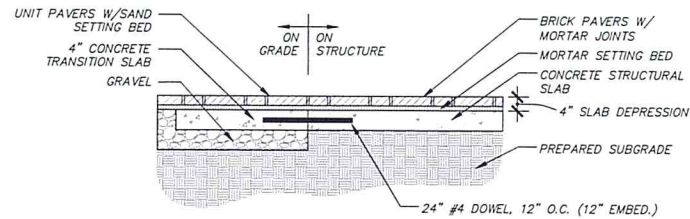
NOTE: FOR LOCATION AND DIMENSIONS OF ALL PAVEMENT STRIPING, SEE SITE PLAN

PAVEMENT MARKING DETAIL
(NOT TO SCALE)

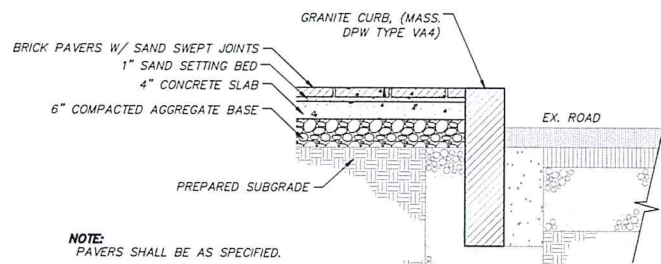


- NOTES:
- TYPICAL EXPANSION JOINT SPACING EVERY 20' O.C.
 - TYPICAL CONTROL JOINT SPACING EVERY 5' O.C.

CONCRETE WALKWAY
(NOT TO SCALE)

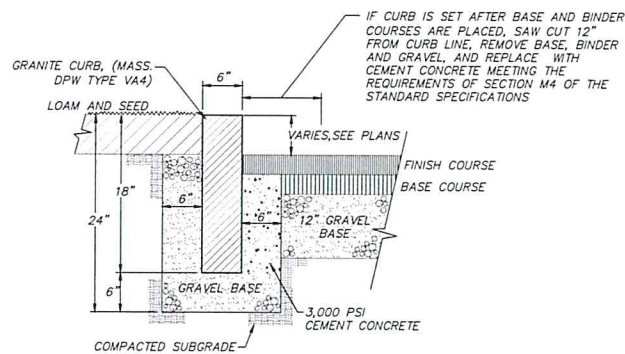


BRICK PAVERS
(NOT TO SCALE)

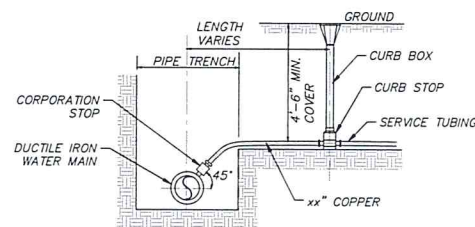


NOTE:
PAVERS SHALL BE AS SPECIFIED.

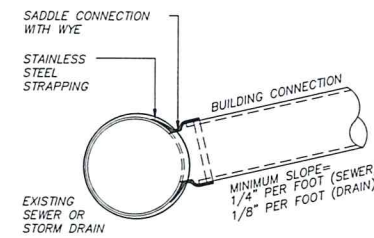
BRICK PAVER SIDEWALK/CROSSWALK
(NOT TO SCALE)



VERTICAL GRANITE CURB
(NOT TO SCALE)

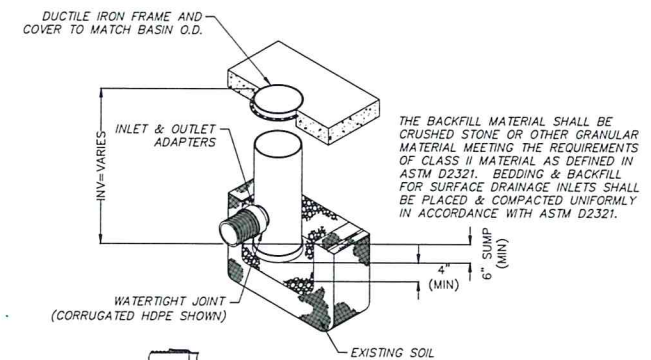


TYPICAL WATER SERVICE
(NOT TO SCALE)



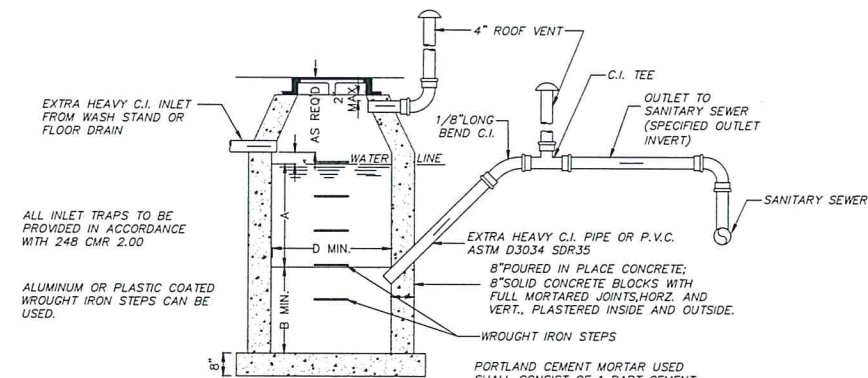
- NOTES:
- FULL PVC OR IRON SADDLE MAY BE USED TO CONNECT TO EXISTING PVC, CLAY, CONCRETE, OR IRON PIPE.
 - SADDLES MUST HAVE RUBBER GASKETS AND SHALL BE TIGHTENED WITH STRAPS. SADDLES WILL NOT BE CEMENTED ONTO THE PIPE.
 - FULL WYE CONNECTION FITTINGS MAY BE USED.
 - PIPE SHALL BE CUT TO CONFORM TO THE OPENING IN THE SADDLE.
 - CONNECTIONS DIRECTLY INTO THE EXISTING PIPE WITHOUT A SADDLE OR FULL WYE FITTING ARE NOT ALLOWED.
 - BUILDING CONNECTIONS SHALL BE BEDDED IN 3/4" MIN CRUSHED STONE TO AT LEAST HALF THE PIPE DIAMETER.

SEWER CONNECTION DETAIL
(NOT TO SCALE)



- NOTE:
- PROVIDE 24" NYLOPLAST DRAIN BASIN OR EQUAL BASIN TO BE MANUFACTURED FROM PVC PIPE STOCK.
 - FRAMES AND GRATES SHALL BE DUCTILE IRON AND COMPLY TO H-20 LOADING CAPACITY.
 - DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE.
 - SEE SITE PLAN FOR RIM AND INVERTS.

PROPOSED YARD DRAIN
(NOT TO SCALE)



ALL INLET TRAPS TO BE PROVIDED IN ACCORDANCE WITH 24B CMR 2.00

ALUMINUM OR PLASTIC COATED WROUGHT IRON STEPS CAN BE USED.

- NOTES:
- FOR INLETS LARGER THAN 10" THE DESIGN AND DIMENSIONS WILL BE DETERMINED FOR EACH PARTICULAR CASE.
 - PRE-CAST SEPARATORS ARE TO HAVE ALL SPECIFIED HOLES EITHER CORE-BORED OR CAST IN PLACE.
 - REFER TO THE PLUMBING DRAWINGS FOR THE INSIDE DIMENSIONS OF THE OIL/WATER SEPARATOR.

OIL / WATER SEPARATOR
(NOT TO SCALE)

NOTE:
THIS DETAIL IS FOR SCHEMATIC PURPOSES ONLY. THE OIL/WATER SEPARATOR SHALL BE DESIGNED BY THE PLUMBING ENGINEER.

| REVISIONS | DATE | DESCRIPTION |
|-----------|----------|--------------------|
| | 10/28/20 | REVISED SUBMISSION |
| | | |
| | | |
| | | |



93 STATE STREET
SITE DETAILS
LOCATED IN
NEWBURYPORT, MASSACHUSETTS
(ESSEX COUNTY)
PREPARED FOR
INSTITUTION FOR SAVINGS

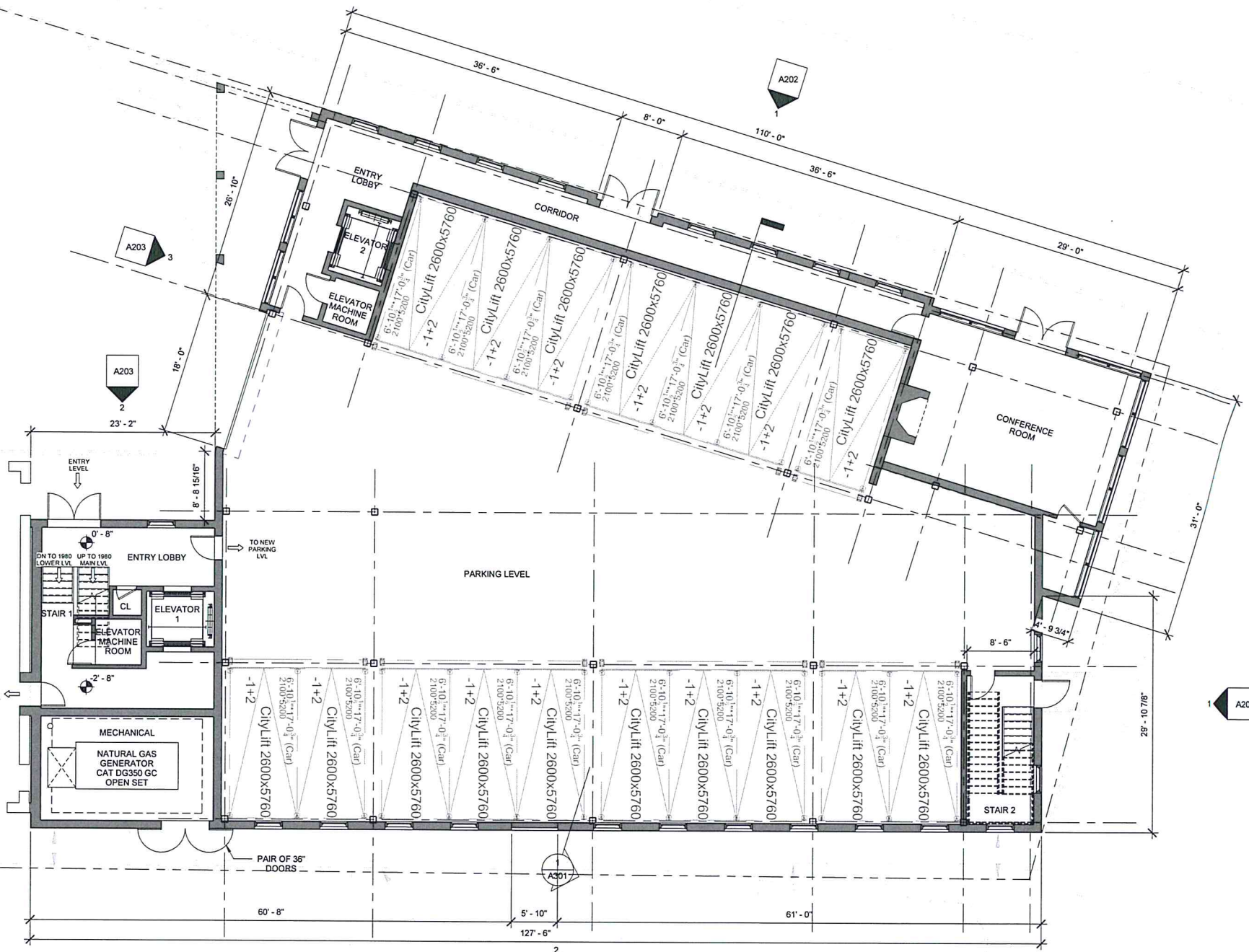
MERIDIAN ASSOCIATES
300 CUMMINGS CENTER SUITE 600
BOSTON, MASSACHUSETTS 02115
TELEPHONE: (978) 299-0447
WWW.MERIDIANASSOC.COM

DESIGNED BY: NAB
CHECKED BY: CEW

DATE: OCTOBER 14, 2020
SCALE: AS NOTED
SHEET No. 7 OF 7
PROJECT No. 6215

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PROSPECT STREET



**Institution for Savings
Office Addition**

FIRST FLOOR PLAN

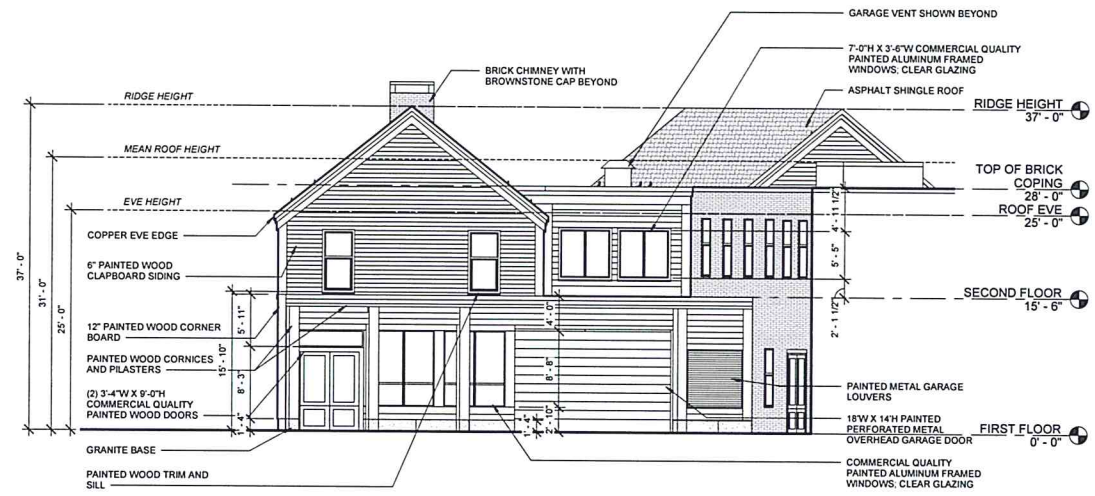
**93 STATE STREET
NEWBURYPORT, MA 01950**

A101

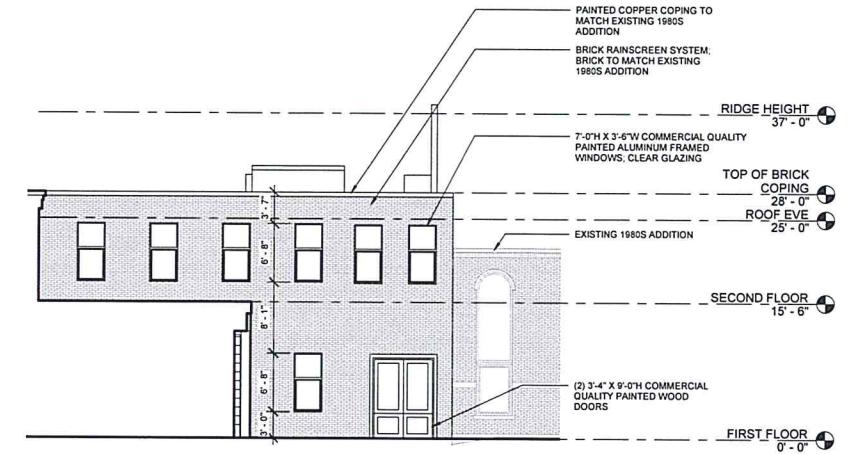
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09/30/2020

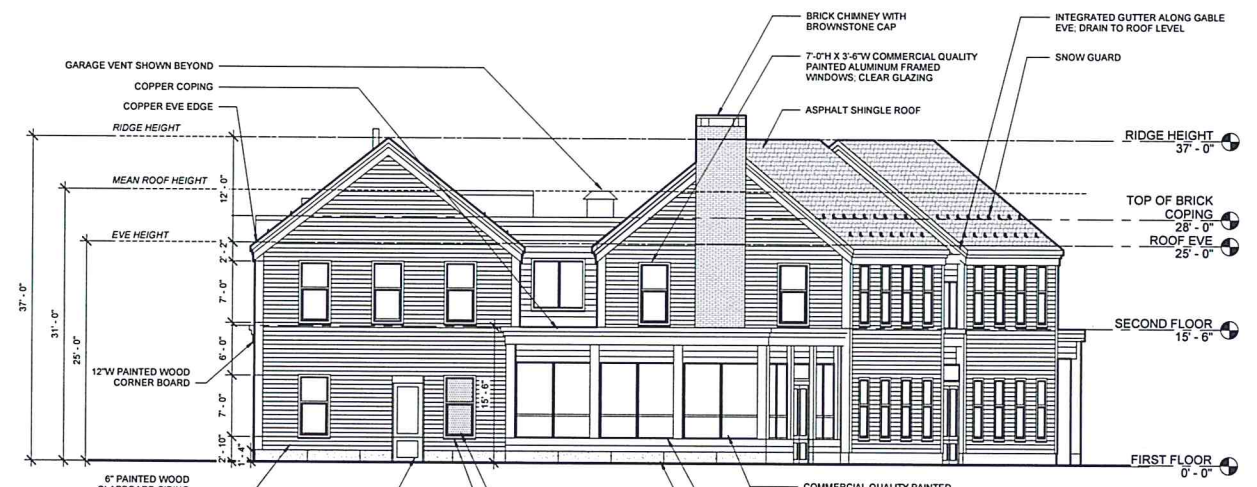
ARC Architectural Resources Cambridge
501 Boylston Street, Suite 4101, Boston, MA 02116
617.547.2200 www.arcusa.com



3 State St Elevation
1/8" = 1'-0"



2 Prospect St Elevation
1/8" = 1'-0"



1 Otis Pl Elevation
1/8" = 1'-0"

Institution for Savings Office Addition

93 STATE STREET
NEWBURYPORT, MA 01950

BUILDING ELEVATIONS

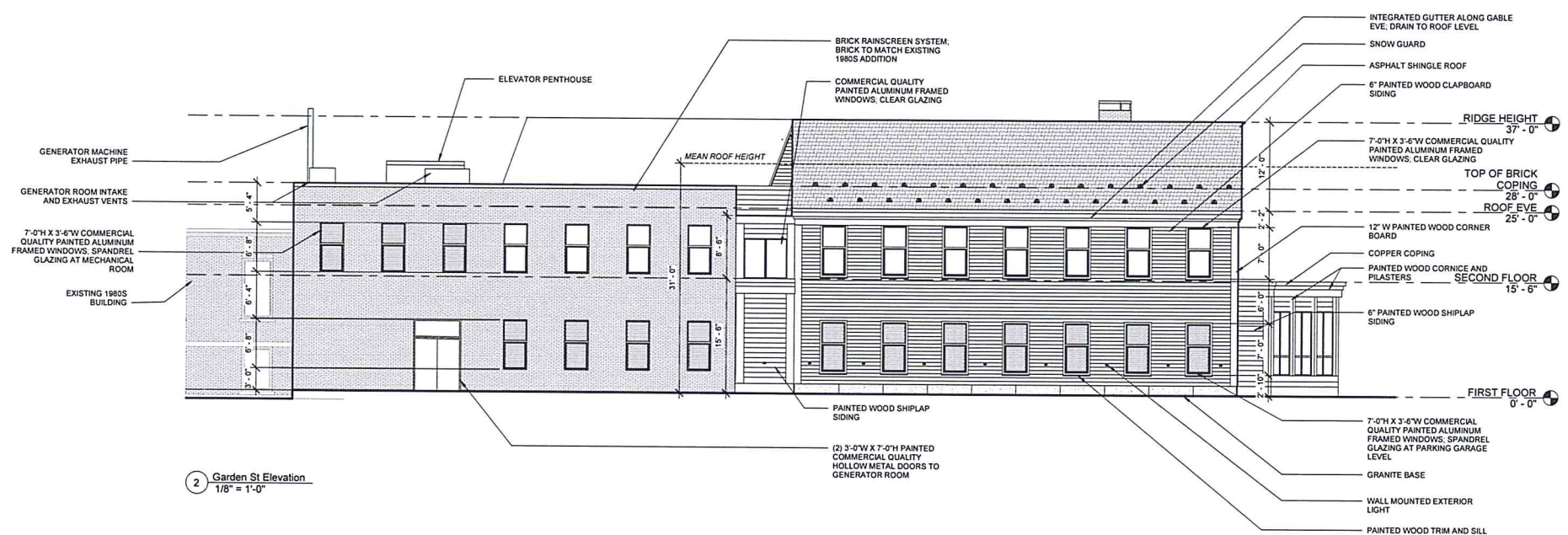
10/27/2020

ARC Architectural Resources Cambridge
501 Boylston Street, Suite 4101, Boston, MA 02116
617.547.2200 www.arcusa.com

A203

SCALE: 1/8" = 1'-0"





2 Garden St Elevation
1/8" = 1'-0"



1 Prospect St Elevation
1/8" = 1'-0"

Institution for Savings Office Addition

93 STATE STREET
NEWBURYPORT, MA 01950

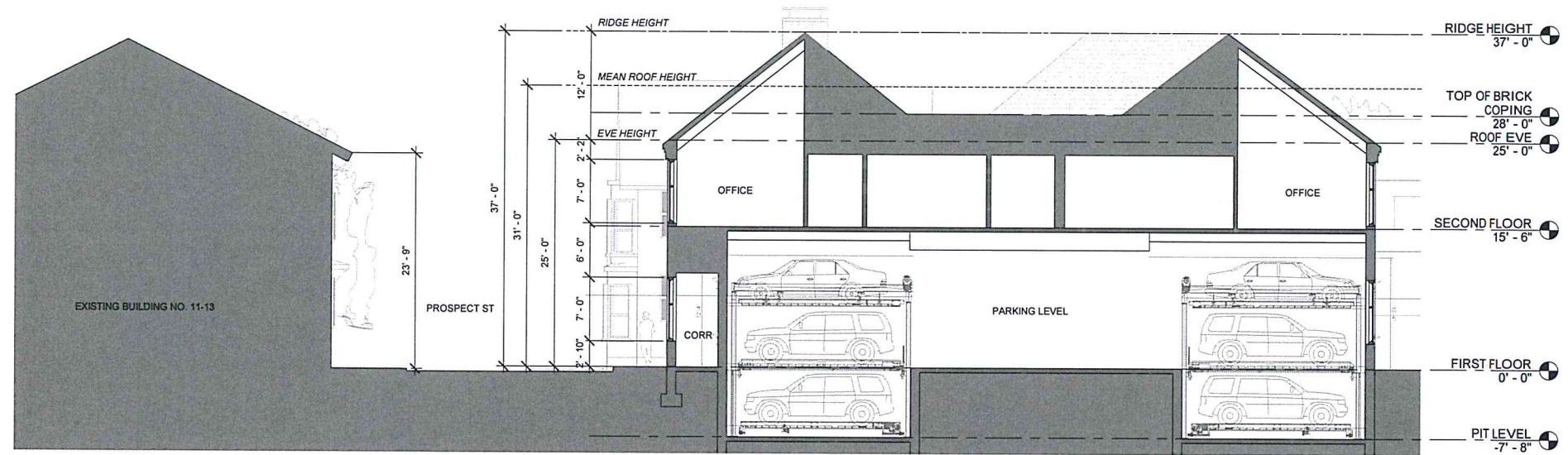
BUILDING ELEVATIONS

10/27/2020

ARC Architectural Resources Cambridge
501 Boylston Street, Suite 4101, Boston, MA 02116
617.547.2200 www.arcusa.com

A202

SCALE: 1/8" = 1'-0"



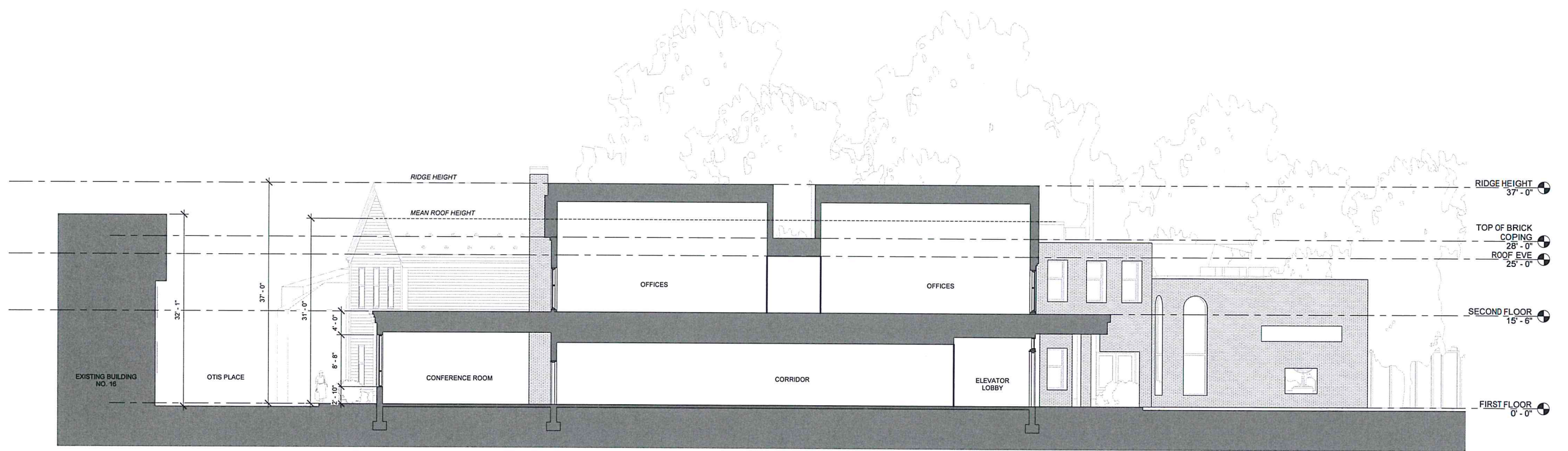
1 Prospect St Building Section
1/8" = 1'-0"

Institution for Savings Office Addition

93 STATE STREET
NEWBURYPORT, MA 01950

09/30/2020

BUILDING SECTIONS



1 Otis Place Building Section
1/8" = 1'-0"

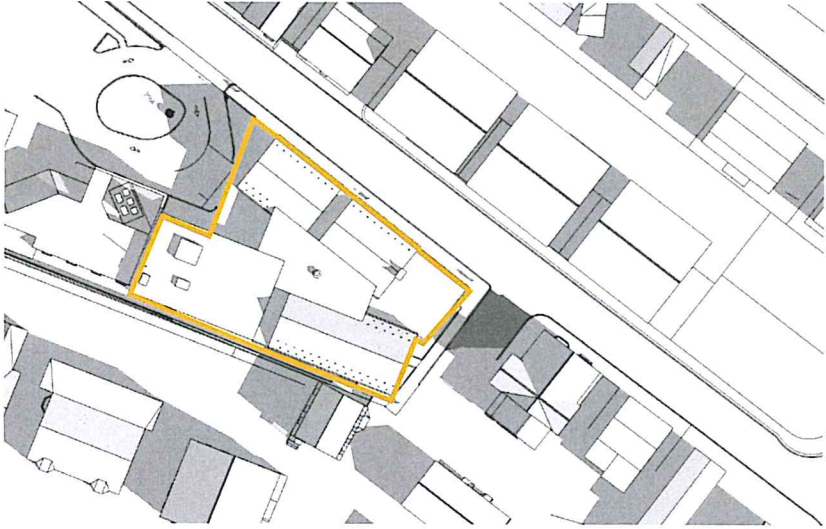
Institution for Savings Office Addition

93 STATE STREET
NEWBURYPORT, MA 01950

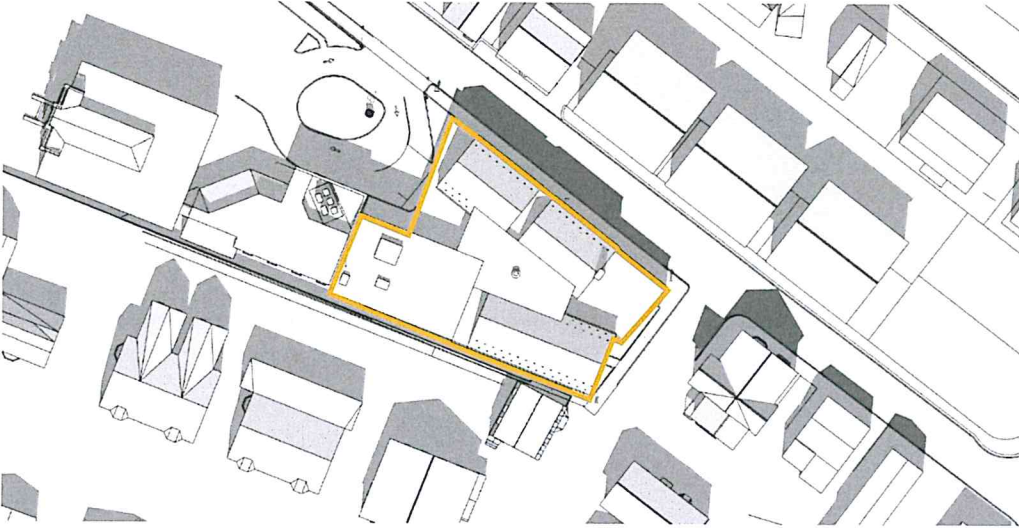
09/30/2020

BUILDING SECTIONS

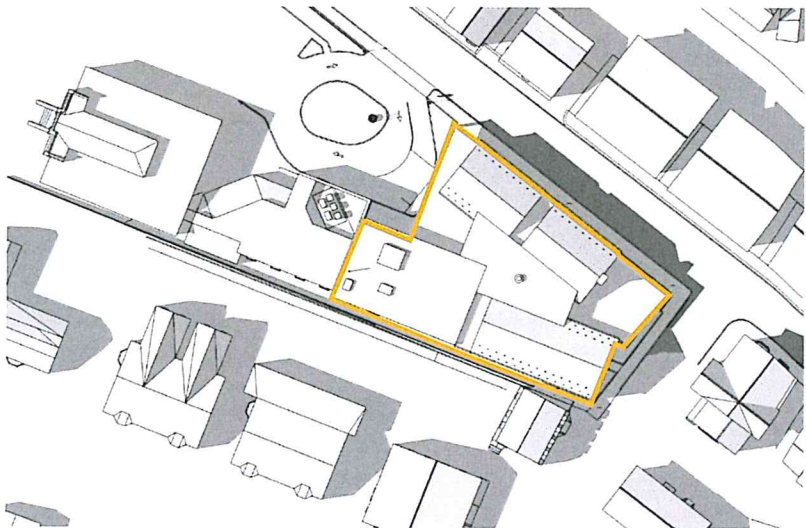
Vernal Equinox
March 21



9AM

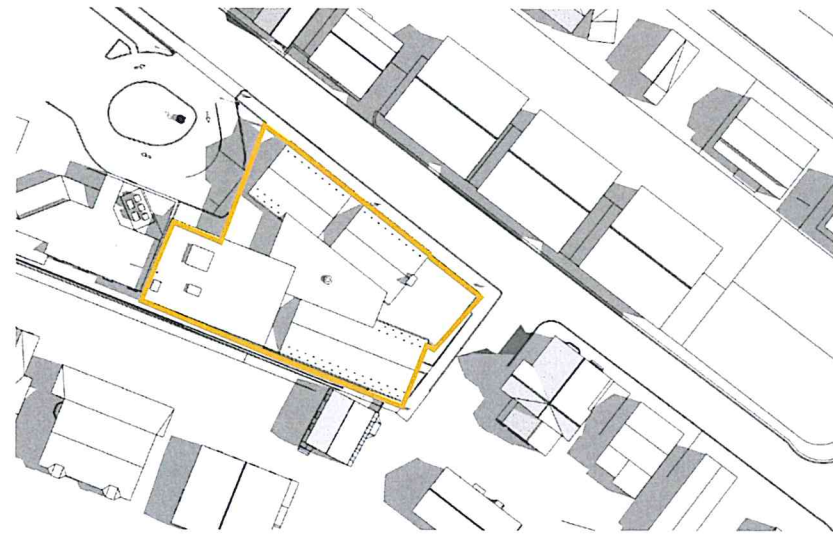


12PM

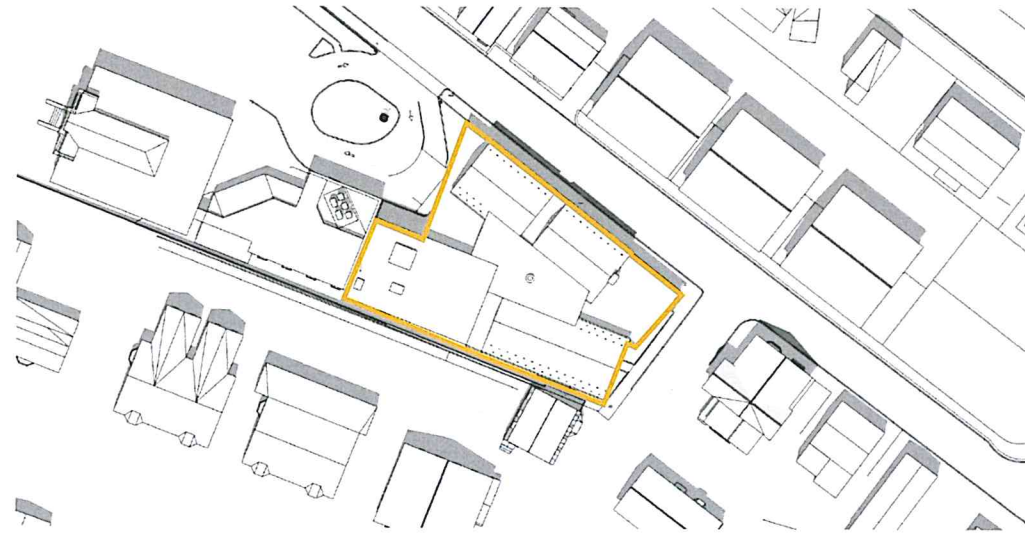


3PM

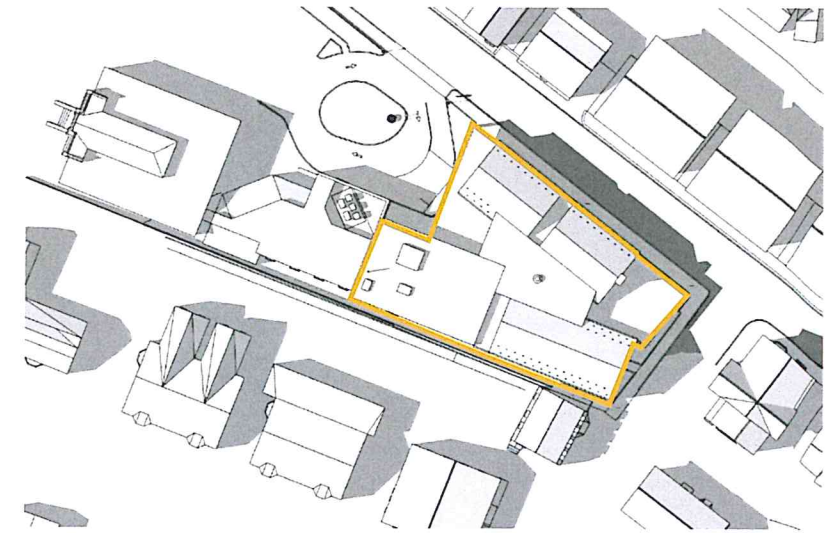
Summer Solstice
June 21



9AM

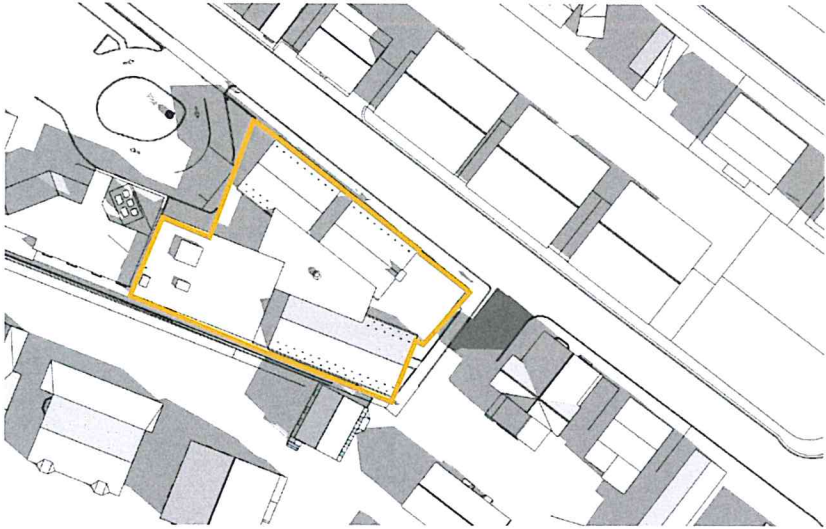


12PM

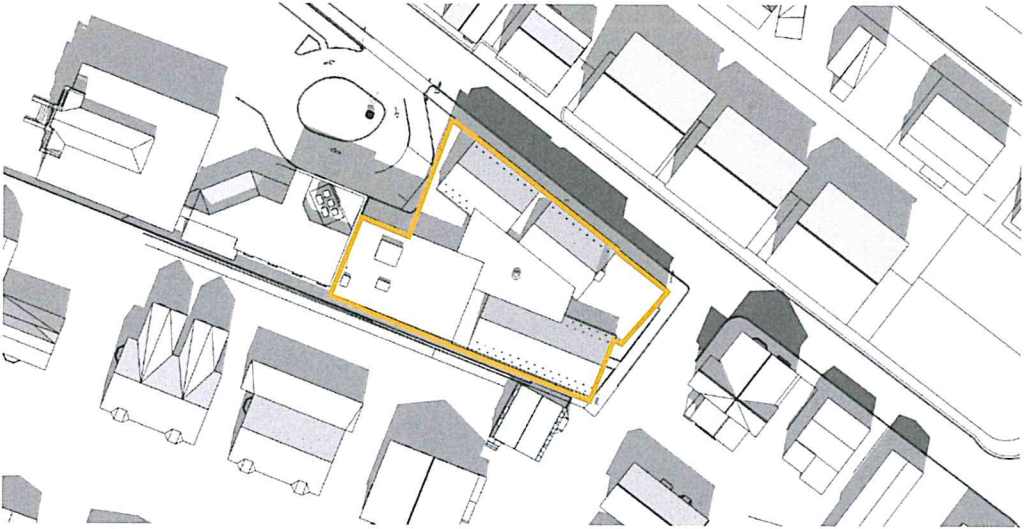


3PM

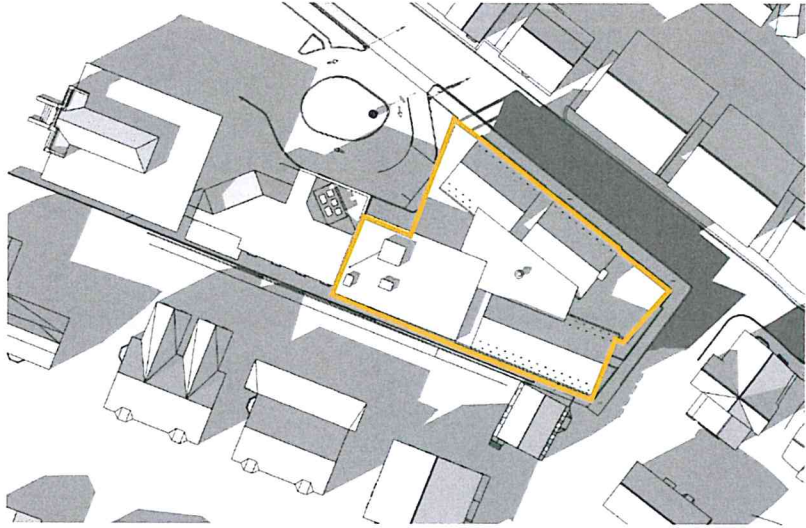
Autumnal Equinox
September 21



9AM

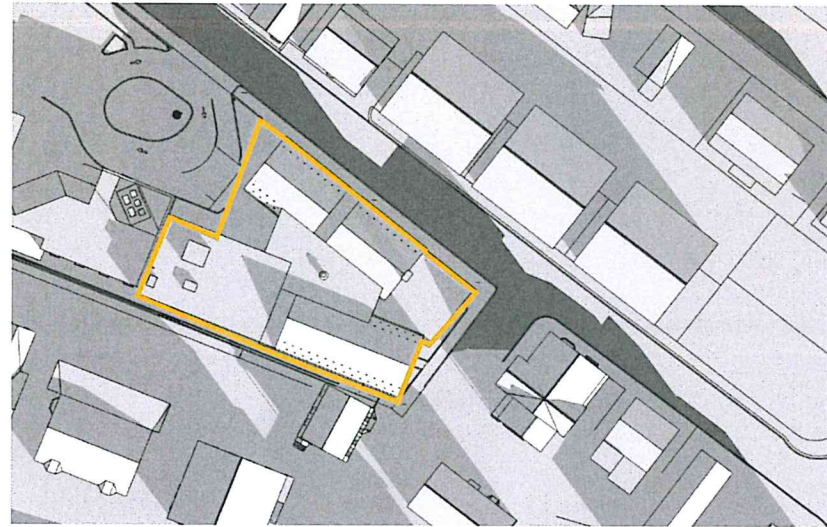


12PM

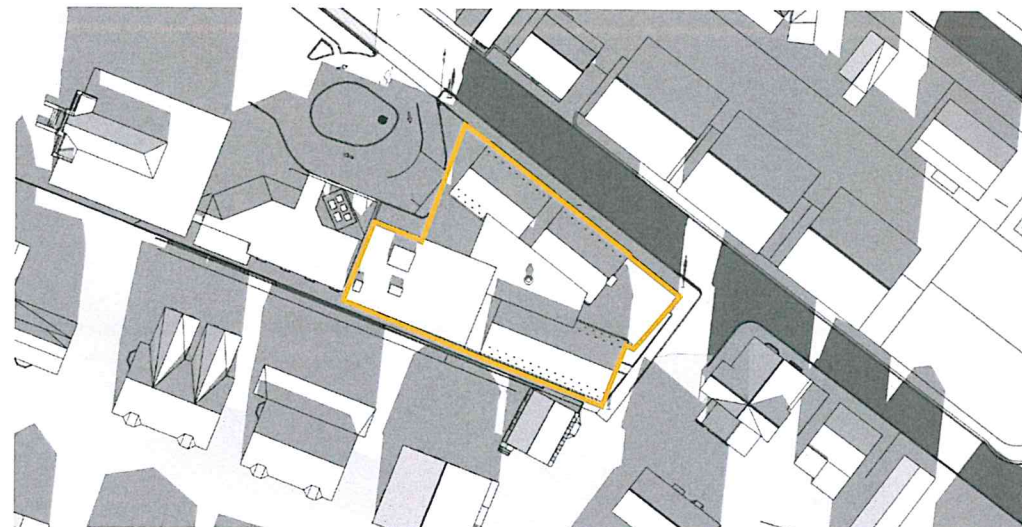


3PM

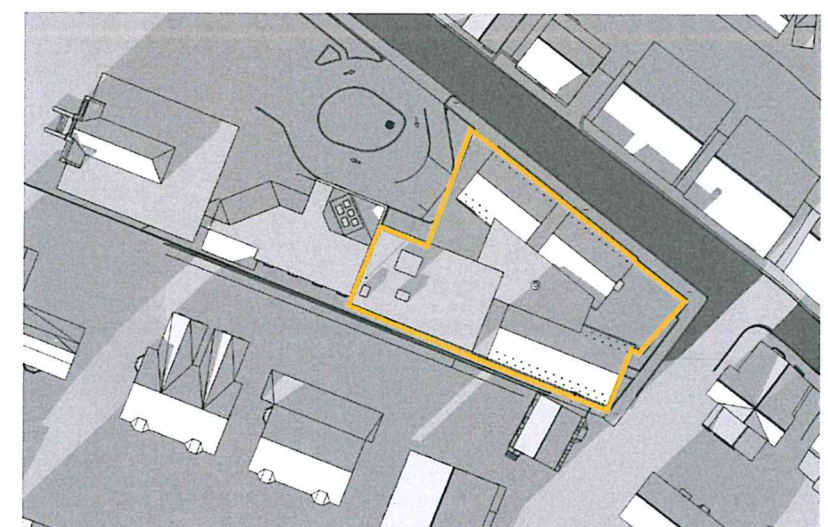
Winter Solstice
December 21



9AM



12PM



3PM













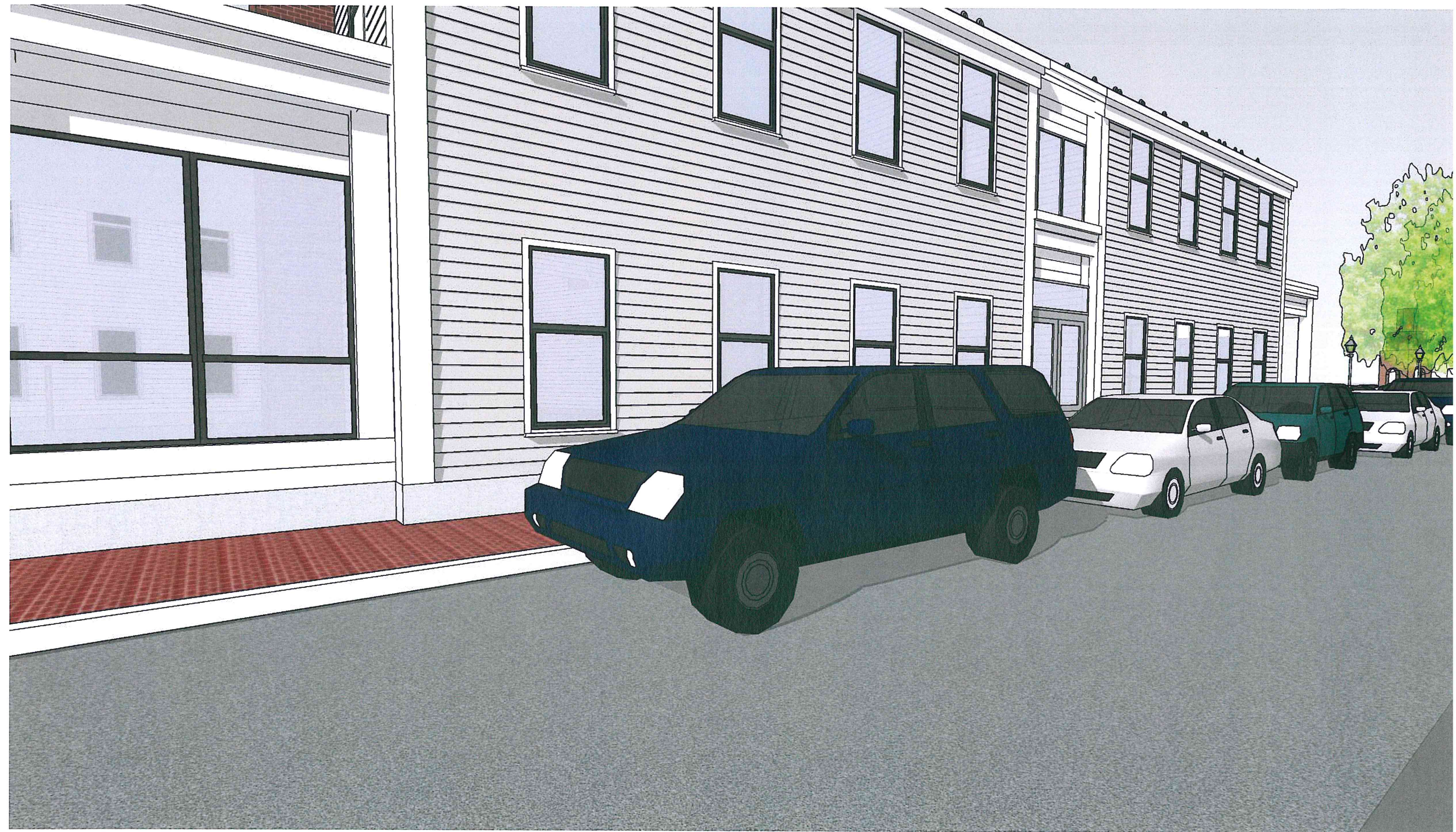












Subject: Historical Commission Report -- Institution for Savings

From: Michael Jones <mjones@institutionforsavings.com>
Sent: Thursday, October 29, 2020 9:28:26 PM
To: glennprichards@comcast.net <glennprichards@comcast.net>; Donna Holaday <DHoladay@CityofNewburyport.com>; Andrew Port <APort@CityofNewburyport.com>; Bonnie Sontag <bsontag@comcast.net>
Cc: Kim Rock <krock@institutionforsavings.com>; Lisa Mead <lisa@mtclawyers.com>
Subject: Historical Commission Report -- Institution for Savings

Glenn,

I am in receipt of the "Historic Commission" DOD supplemental Report. I was surprised to read this report wherein you assert that the "members of the commission agree that there [sic] the proposed design does not conform to the Secretary's standards, primarily due to the height aspect of the structure's "massing," and the existing characteristics of the setting." I was surprised for several reasons, not the least of which is that the statement is not true.

First, at the meeting both Joe Morgan and Ron Ziembra expressed, in detail, why they thought the revised plan meets the requirements of the DOD. Second, although Patricia Peknik expressed some appreciation for the revised plan, she reviewed the FRESH standard and in her opinion the proposal did not meet any of the FRESH standards. Christopher Fay did express his continued opinion that the proposal does not meet the DOD standards and you did not express an opinion at all.

Second, the Commission did not take a vote or come to a consensus. It is unclear to me how a public body can subsequently prepare a written report offering suggestions when the body does not vote, or come to a consensus, at the meeting on what those suggestions or recommendations might be. Further, I don't know how you would have personally voted? What I do know is that there is a clear record that 2 of the members expressed support and 2 members expressed opposition. You asked a few questions but did not express your opposition or approval. A 2-2 vote is not a majority or "several" as you state in your concluding sentence.

A public body acts as a body, not as individuals. They are required to vote and deliberate in public. You are the Chair of the Commission and are charged with assuring that the Commission abides by the open meeting law, but you clearly have failed to do so.

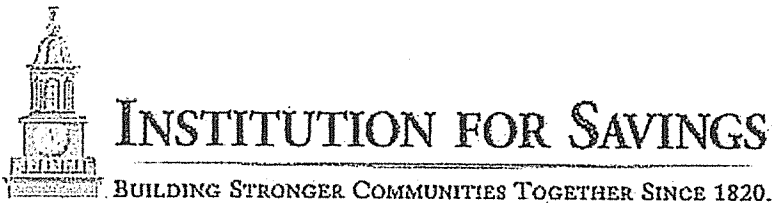
Third, I am amazed at your selective observations about the neighborhood, focusing on only two homes out of more than 25 residential structures in the immediate adjacent properties – most all of which are consistent with the height, massing and scale of the proposed structures. Had you examined the material we provided to the Commission, which included line drawings with measurements as well as the models, you would have been able to compare them accordingly. Singling out the two smallest structures in the entire neighborhood to use in your report is misleading at worst and disingenuous at best.

Finally, I am disappointed that you have failed in your leadership role and were not able to put forth your position in the public meeting as every other member of the Commission was willing to do. This is a sad day for the Commission as well as the City.

You should know we fully intend to make sure the Planning Board knows that your report is not an accurate representation of what occurred at the Commission meeting. Further we fully intend to also let them know that you failed to publicly discuss your position and indeed no vote was ever taken, or consensus agreed upon. Your failure to accurately represent what the Commission actually discussed in public and the full measure of the neighborhood is irresponsible and clearly in violation of your obligations as Chair of a public body.

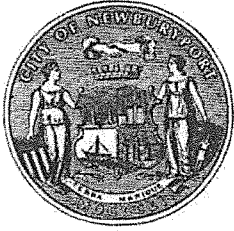
Mike

Michael J. Jones
President & CEO
Phone: 978-462-3106 Fax: 978-462-1980
mjones@institutionforsavings.com
PLEASE NOTE MY NEW EMAIL ADDRESS: mjones@ifs.bank



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CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

DOD Supplemental Report

Meeting Date 29 October, 2020
Property Address 93 State Street
Applicant Institution for Savings; Atty. Lisa Mead, MTC

Project description: Build a 2-story addition to the existing structure, with parking on the ground level and office space on upper story.

Plan(s) of Record: For this "supplement," we referred to the latest revised plans submitted on 1 October 2020 (93_state_street_nbpt_hc_filing_9.30.20.pdf).

Purpose of this second supplemental report:

The Newburyport Historical Commission (NHC) submitted an advisory report to the Planning Board on 18 February, 2020, based on the plans originally submitted for review. A second, "Supplemental," report was issued on 25 June, 2020, based on revised plans. Since then, the applicant has made substantial changes to the plans, and the Planning Board has asked the NHC to review these new plans and produce another report for their review.

The NHC heard a presentation from the applicant's attorney and architect, and took public comments on 8 October. We continued the matter for further discussion at our 22 October meeting, so all members of the commission could contribute to this report.

Executive Summary

While the latest plans reflect an exemplary effort to make the architectural design of the proposed building fit more harmoniously within its setting, they do not resolve the single biggest issue: massing, or to use a more commonly understood term, "size." It is clear that parking requirements are a key aspect of the "program," but the parking system chosen requires a first floor height of about sixteen feet, which forces the rest of the building higher than normal. When you understand this, you easily understand why the universal sentiment expressed by neighbors is "It's too big."

Role of the Newburyport Historical Commission

The Downtown Overlay District (DOD) ordinance (XXVII-F -3.a.) requires compliance with "any relevant provisions of the United States Secretary of the Interior's Standards as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service." (The National Park Service interprets the Standards in various bulletins, which the NHC consults.) The standards are clear about the matter of size, scale and massing, which is the main issue with this proposal, as these examples show:

- “Height and setback from the street should generally be consistent with those of the historic building and other surrounding buildings... So even if “the primary elevation is designed to give the appearance of being several buildings by breaking up the facade into elements,” those elements must be “consistent with the scale of the historic building and adjacent buildings.”
- “A new addition should always be subordinate and not compete in size or scale...”
- “When visible and in close proximity to historic buildings, the new construction must be subordinate to these buildings.”
- “Protecting the historic setting and context of a property, including the degree of open space and building density, must always be considered when planning new construction on an historic site.”

This recurring emphasis on the need to “protect the historic setting and context of a property,” “the historic relationship between buildings, the building’s site and environment,” and “other surrounding historic buildings in the district” is reflected in our DOD ordinance. It states that “New construction within the DOD shall not disrupt the essential form and integrity of the subject historic building... structure, the lot where it is located, or its setting within the DOD... New construction shall be compatible with the size, scale, height, color, material and character of the subject historic building...lot where it is located, and its setting within the DOD.” *[emphasis added]*

Size/Massing Analysis

The following image is a “section” taken along Prospect Street from the applicant’s presentation. Colored lines have been added to aid a comparison of height between the proposed structure and neighboring structures across the street. I have also added the (approximate) eave height for 9 Prospect St., which is an older and smaller house, and comparison lines at the approximate height of the second floor:

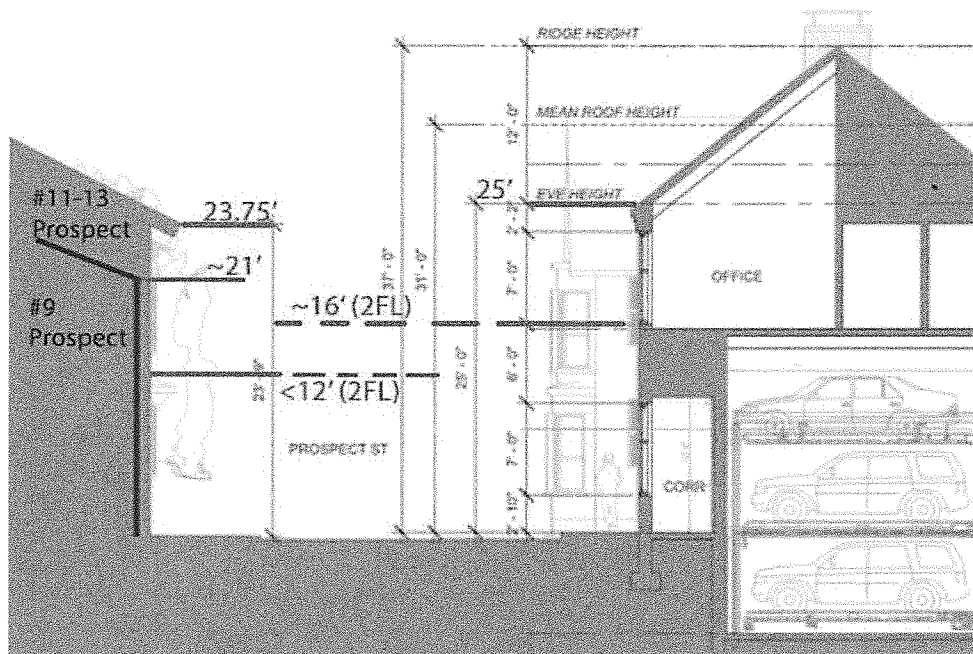


Illustration 1: Section looking East down Prospect St.

NB: The provided renderings of this view from the 3D model are of limited value because they are oblique views, which make direct height comparisons difficult. The Planning Board may find it helpful to get renderings from the model of this, and similar views, that are straight-on, to avoid distortion caused by horizontal perspective, where nearer objects appear relatively larger than they normally would.

The image below, also from the applicant's presentation, is an aerial rendering which illustrates the contrast in size and massing between the proposed structure and its nearest abutter:



Perhaps these images are better than words to show that the proposed structure is too massive – especially too high – to fit harmoniously into its locale.

Legal Analysis

An argument we heard from the applicant is that there are 'historical patterns' throughout the city – including some within the DOD – where large commercial buildings have been built among older residential structures. Rather than favoring the applicant, it seems this argument actually illustrates the need for the DOD ordinance, to help avoid or control inappropriate development.

By the DOD ordinance, the task of the NHC is to evaluate how well proposed projects adhere to the provisions of that ordinance and the Secretary of the Interior's standards to which it refers. We strive to do so as fairly and objectively as we can. This is especially true in this case, as we are aware of the high regard that this applicant (the Institution for Savings) has earned for itself among the citizens of Newburyport. We do not take a position "for" or "against" any project; we only try to fulfill our obligation to make and report our determinations based on the evaluation of the applicant's plans and exhibits and our research.

Further Analysis and Commentary

In terms of the relationship of the proposed structure to the historic 93 State Street building, there was agreement that because its location is set back to the rear of the lot, the size of the addition is less overwhelming to the historic structure than might otherwise be the case. But that only holds true from the State Street perspective. The fact remains that the size of the addition is considerably larger than the historic building, a condition considered inappropriate by the Secretary's standards.

Further, the massing problem, especially along Prospect Street and Otis Place, is little changed from prior plans. In those locales, the addition still looms very large, despite the improvements made to the design and materials that allow it to better harmonize with the neighborhood. The latest plans lower the **eave height** through the use pitched roofs, but it should be noted that the buildings are about **five feet higher than originally planned at the ridge**. The design change from flat to pitched roof might have been successful if it were not for the unusual height or the second floor, due to the requirements of the parking system.

As stated in prior reports, the neighborhood surrounding the bank's lot is considered special not only by its residents, but also by the Massachusetts Historical Commission. The MHC found the locale of sufficient historical interest to merit documentation in a "Form G," used to document a historic local area or streetscape.

According to the historical architect in the Office of Historic Preservation at the National Park Service, "To the degree that the existing neighborhood context has a positive, consistent, and valued character, and to the degree that the proposed design would substantially alter that character, the proposed design must bear the burden of proof for demonstrating that the benefits to the neighborhood context and to the city as a whole will outweigh the residual unavoidable harm that would be done to the sense of place. The location of the burden of proof is upon the architects who propose the change."

Conclusion

The members of the commission agree that there the proposed design does not conform to the Secretary's standards, primarily due to the height aspect of the structure's "massing," and the existing characteristics of the setting. The proposed location 'reads' more like part of the neighborhood of residential housing than a commercial lot on State Street. The problem is exacerbated by the fact that some of the neighboring structures were built so long ago, they are significantly smaller than more recent, but otherwise comparable, structures.

Several commissioners expressed disappointment that a solution that meets the bank's requirements while protecting the city's interests and the historic values of the neighborhood has so far eluded us; but we remain hopeful that a solution may yet be found.

Respectfully submitted, 29 October, 2020

Glenn Richards, Chair
Newburyport Historical Commission