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March 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.

Once again, the Bank has listened to the comments of the Board. To the extent that the comments could be acted upon and still allow the Bank to achieve its needed use of its Property, the Bank has employed the suggestions. The changes before you this evening include the following:

- The façade along Prospect Street has been dramatically altered. The
  architect has separated the façade by designing a greater break, including the
  introduction of new material and color and a change of roof line in the middle of
  the building.
- A door has been added in the middle of Prospect Street as well as the corner of the Prospect side at the entrance drive.
- Divided lite windows have been employed throughout the building.
- The area around the garage door has been revised to include a different window pattern similar to the remainder of the divided lites. Additionally, the material around the door is brick thereby not calling attention to this area. The garage door itself is also of a different color, more neutral against the brick façade.

All of these changes continue to break down the massing and scale of the building. Indeed, when examining the rendering from State Street, the building clearly is separate and apart from the original structure and the massing is similar to the scale and massing of the surrounding residential structures.

Several comments at the last meeting implied that somehow the Bank was limited under the Secretary of the Interior Standards to constructing an addition which was smaller in footprint or volume than the existing structure. I would remind the Board that when considering the existing structure, for the purpose of the DOD, one must include the 1980 addition which is part of the original structure. However, there is nothing in the Secretary of the Interior Standards the requires all additions to historic structures to be smaller than the historic structure.

The standards require "New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." (Standard 10). Further Standard 9 provides, "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

There has been much discussion by the Historic Commission and some members of this Board that a comparison of volume, new to old, is an appropriate comparison when applying the Secretary of the Interior Standards. Such a comparison is misplaced under the Standards. Indeed, I have attached hereto, a compilation by William Young of examples of additions to historic structures which comply with the Secretary of the Interior Standards and which are, as you can see, substantially "larger" than the original structure. (Exhibit A) You will see in Mr. Young's commentary that these structures received review and approval by the Massachusetts Historic Commission as consistent with the Secretary of the Interior Standards.

These examples are important because they show how the Secretary of the Interior Standards are about proportion and not dimension. This Board and the Historic Commission early on in this process both opined that given the location on the lot, the proposed addition did not detract from the 1870 structure. Indeed, some of you noted that it was like a separate structure on the same lot. That has not changed. And while this is the case, some members of this Board and the Historic Commission continue to seek numbers which are of no relevance or find no place within the Secretary of the Interior Standards. Indeed, they find no place even in our Zoning Ordinance, like a volumetric comparison.

You should know for example, that the Prospect Street façade of the existing building is 147 linear feet. Whereas the proposed addition along Prospect is 87.5 linear feet. Similarly, we know that the façade of the sections of the proposed structure are shorter than the three main buildings on the northerly side of Prospect Street. Is this a dimension you should review? We know that the eve height of the proposed structure is slightly taller than the eve height of the three main buildings on Prospect, but the ridge line is shorter than those residential structures. Similarly, we know that both the eave height and the ridge height of the proposed structure are shorter than that of the 1870 structure. Are these dimensions important alone? The answer is no, to all of the foregoing.

Indeed, under the Secretary of the Interior Standards, the question is more of a proportional review. How does it work? Is it consistent with the DOD? Is it compatible with and not detract from the 1870 and 1980 buildings? The question is, will the proposed addition be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. We have shown through expert testimony, that the proposal meets this standard.

As you are aware, the addition has been positioned at the rear of the parcel, attached not directly to the historic Bank but rather, to an earlier addition. This circumstance alone would ensure the new addition's reversibility as well its visually subordinate relationship to the original building. These gestures might in themselves be enough to meet the Secretary of the Interior's Standards, which are famously receptive to contemporary design. Nonetheless, as a committed partner within the community, the Bank recognizes the value of balancing the addition's aesthetic expression in a manner that is also responsive to the historic character of the surrounding neighborhood. Therefore, the current design's articulated massing, its familiar height, its traditional materials and fenestration, its generous setbacks and provision of plant materials combine to achieve a compatibility with both with the historic Bank and its context as well.

The Board is also governed in their decision making by the DOD Determinations, Purpose and Criteria. The Board's decision making is not without a basis in the ordinance. The Board must not only, and first look at the relationship of the proposed structure to the historic structure, its place on the Property and then in the neighborhood but also in the District. The Board must examine the proposal in the context of the District, which include an underlying business district, and residential district. As I noted previously the City Council determined that when considering projects under the DOD, these foundations must be kept in mind:

Section XXVII-A

### Determinations

The City hereby determines all of the following:

 The <u>architectural, cultural, economic</u>, 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 <u>unique land use pattern</u>, and <u>architectural, economic and cultural character</u> of the buildings, structures and lots, both individually and as a group, that are located in downtown Newburyport." (emphasis added)

What is downtown Newburyport? What is the DOD and how does this proposal compare to other similar situations within the DOD? The DOD is replete with edges of the district which are directly adjacent to residential districts or directly adjacent to wood frame residential structures; Titcomb, Washington, Fruit, Fair Middle, Prince, to name a few. I have attached on **Exhibit B** examples of similar situations which historically have included brick façade taller commercial structures adjacent or across the street from wood frame residential structures within the DOD. Of course, these examples exist in various parts of the City, but specifically they exist in the DOD. What is being proposed here is not an aberration, merely a continuation of an historic land use pattern. Further, the proposal is completely in line with the Determination and Purpose of the Ordinance. What is being proposed is entirely consistent with the historic zoning and land use patterns in the DOD.

As this Board is aware, the Bank has met with the Board seven (7) times over the past 13 months. Each time the Bank has met with the Board, the Bank has provided substantive changes to their proposal at the request of either this Board, the Historic Commission, or the neighbors. The requested changes have not been insignificant, at times they have been completely different from requests of prior meetings. The Bank has acted on all requests which have included definitive direction. At times direction in and among Board members has conflicted and the Bank has had to decide which comments to address. As an example, at the very first meeting of the Board, the Bank had originally applied for an ITIF Special Permit given the location of the Harris Street parking lot. That meeting was attended by numerous citizens worried about the impact on the Harris Street lot and other public parking spaces on the street. In response the Bank made accommodations on site to comply with the parking requirements of the City. This included a significant redesign of the proposal. It also alleviated the concerns of many members of the public and of this Board.

Early on a member suggested maybe the Bank should look at putting the addition on the State Street portion of the Property. That suggestion was dismissed after discussion by the Board during an August meeting. After 13 months and 6 redesigns later, that suggestion was again made notwithstanding the prior apparent dismissal of the suggestion. The Bank has affirmed that constructing a new building on State Street would be problematic for a multitude of reasons relating to the historic Bank building and most importantly to the flow of banking operations and vehicular traffic on this site.

A member of the Historic Commission suggested that the building be clad in wood siding similar to the residential structures in the adjacent neighborhood. This position was later adopted by this Planning Board. The Bank undertook this redesign, only later to have it dismissed by this Board. Upon review of the minutes and recordings of the meetings as well as our copious notes, members had a varying degree of comments, some which were specific enough to be acted upon and some which were conclusory and/or contradictory and which gave the Bank little ability to act upon. The resulting plan before you is the result of 6 redesigns of the proposed addition and incorporation of many of those comments.

The Bank has been responsive to the comments of the Board. Understanding those comments and also needing to meet its business needs on this commercial property in this historically commercial district, the Bank has again revised the plans. The Bank is providing all required parking on site, the proposal will improve the stormwater discharge problems on State Street, the proposal meets all fire safety requirements, the proposal meets all of the technical requirements of the Site Plan Review, has been signed off on by the City Engineer, Water Department Engineer, and peer review engineer. Significant setbacks have been added off of Otis Place much like a pocket park complete with benches. Setbacks and landscaping have been added along Prospect

Street. Materials, such as a slate roof, limestone, granite, brick, and a copper cornice are employed to compliment the 1870 structure. The generator has been fully enclosed and buffered from exposure to the neighborhood. The massing and scale of the proposal is in line with the commercial properties of upper State Street, not lower State Street, is appropriate for the 1870 structure and is compatible with the neighborhood without being a residential structure. Consistent with the DOD Determinations and Purpose, the proposal continues the unique land use patterns that are in the DOD and allows for the expansion and solidification of the Bank, the longest and most continuous economic generator and contributor in the DOD.

While it is true the DOD Special Permit is a discretionary permit, such discretion is not unfettered nor is it absolute. Applicants have a right to "an honest, uninfluenced opinion rendered in good faith by a town [or city] official [or board] charged with deciding whether, under a by-law, a building or comparable permit shall issue." Castelli v. Bd. of Selectmen of Seekonk, 15 Mass. App. Ct. 711, 714 (1983); see also Oullette v. Bldg. Inspector of Quincy, 362 Mass. 272, 276-78 (1972); Kennie v. Natural Res. Dep't of Dennis, 451 Mass. 754, 761 n.14 (2008). Applicants are also entitled to decisions not based on "emotion," but rather a "calm, reasoned approach to a just and fair decision based on the facts" presented. Bernstein v. Planning Bd. of Stockbridge, 76 Mass. App. Ct. 759, 772 (2010).

To that end, 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

## EXHIBIT A

#### WILLIAM S. YOUNG

Historic Preservation Consultant 44 Warwick Road West Newton, MA 02465 (617) 875-5270 wwsyoung58@gmail.com

5 March 2021

City of Newburyport Planning Board 60 Pleasant Street, P.O. Box 550 Newburyport, MA 01950 ATTN: Andy Port, Planning Director

RE: Institution for Savings, 93 State Street

Dear Chairman Sontag and Members of the Board:

At its February review of the proposed addition to the IFS building at 93 State Street, the Planning Board expressed an interest in additions to historic buildings whose footprints are larger than those of their original envelopes, I am pleased to provide several examples constructed in other Massachusetts communities over the past two decades. All have been deemed appropriate under the Secretary of the Interior's Standards under the rigorous Ch. 254 review process of the Massachusetts Historical Commission.

Approved and completed in 2001, the addition to the Thomas Crane Public Library in Quincy (see fig. 1, atached) doubled the size of the historic building, a National Historic Landmark built in 1881 to the designs of the celebrated American architect Henry Hobson Richardson. After receiving previous additions in the 1930s and 1970s, the original building's footprint now represents no more than a third of the existing facility.

The Needham Free Public Library (Fig. 2), completed in 1915 to the designs of James H. Ritchie, was expanded by an addition in 2008 which doubled the structure's original volume. While repeating the red brick and marble trimmings of the historic building, the addition's design is distinctly contemporary in feeling.

In the Town of Milton, the historic Public Library, completed in 1902 to the designs of Shepley, Rutan & Coolidge received an addition in 2010 that is approximately twice the size of the original structure (see Figs. 3 & 4). As with the Needham example, the addition's materials palette recalls that of the historic building while pursuing a more contemporary expression.

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RE: IFS, 93 State Street

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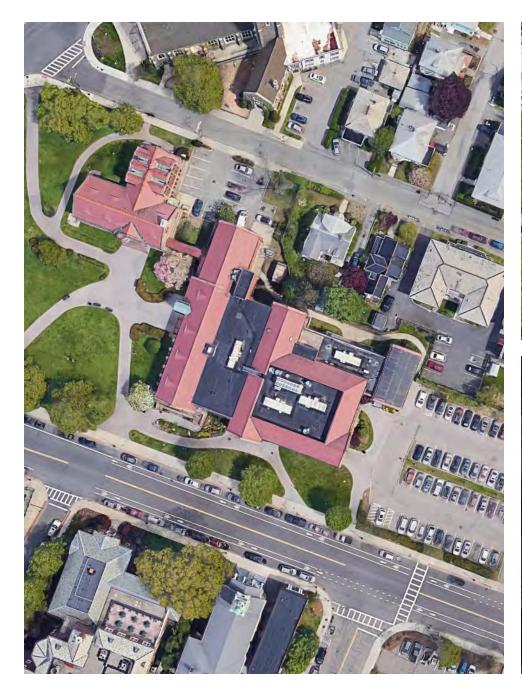
I believe the projects described above illustrate how an addition may appropriately differ from its original building in size as well as in style and materials while meeting the Secretary of the Interior's Standards. I hope your review of the proposed IFS addition will be enhanced by your review of these examples.

Thanking you for your consideration,

Very truly,

William S. Young

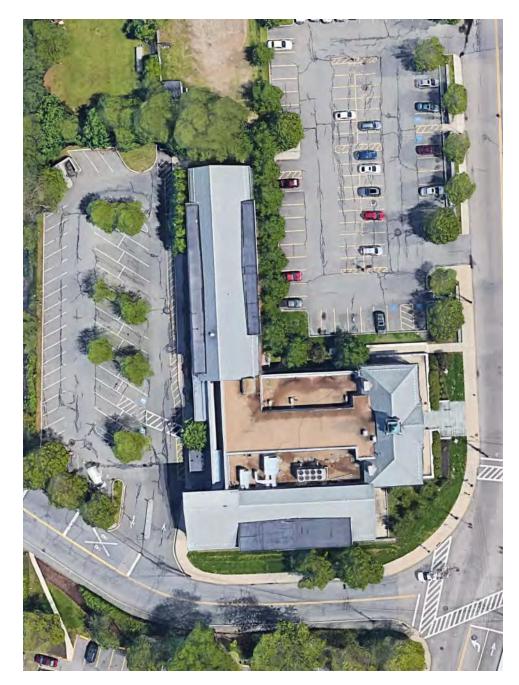
William S. Young Historic Preservation Consultant







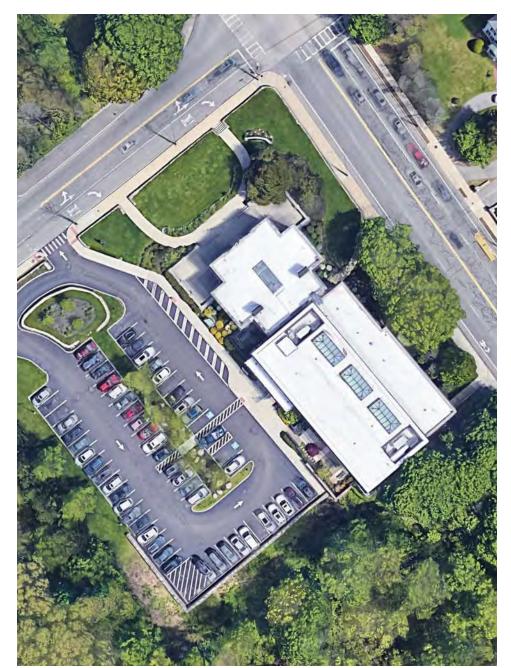
**Thomas Crane Public Library** Quincy, Massachusetts Built in 1881 | Expansion completed in 2001







Needham Free Public Library
Needham, Massachusetts
Built in 1915 | Expansion completed in 2008







Milton Public Library
Milton, Massachusetts
Built 1902 | Expansion completed in 2010

# EXHIBIT B

