

May 30, 2021

Hon. Robert Ciampitti, Jr.  
and Honorable Members  
Zoning Board of Appeals  
60 Pleasant Street  
Newburyport, MA 01950

**RE: 2021-31 Variance – 17-21 State Street**

Dear Chair Ciampitti and Honorable Members:

In eight years as the City Councillor for Ward 2, which includes downtown, I have written your Board only once before. I write this time to urge you to reject the proposed variance to allow replacement of the historic storefront windows at 17-21 State Street.

I won't cite the provisions of the Zoning Ordinance, including the findings you would have to make to support a variance. The City Solicitor can go over those with you. I won't cite the stated purposes of our zoning, which the City Council has the power to change.

I am simply appealing to reason. This particular storefront need not be destroyed.

On a practical level, it is unreasonable to believe it "necessary" to remove all plate-glass storefronts in Newburyport for reasons of hygiene. There are hundreds of storefronts in town that do not and will not open, at any time of year, let alone during our many cold-weather months. Yet, patrons do not risk their lives by entering. HVAC is well known.

On a business level, destroying the Fowles storefront would hurt Newburyport's brand. It was a very close-run thing 50 years ago when the city decided to embrace and restore its old buildings instead of replacing them to suit modern tastes. It is beyond reasonable dispute that protecting downtown's historic character spurred a citywide renaissance, home values too.

On a community level, replacing the Fowles storefront would inflict an irreversible wound for no good reason. In the 1950s, under far greater economic stress than faced by this applicant, the owner of Wolfe's Tavern tore it down for a gas station. I wasn't even born here until 1969, but the tavern's loss is so deeply regretted that we latecomers feel the same pain.

Please don't grant a variance in this case. It's not reasonable.

Sincerely,



Jared Eigerman  
City Council, Ward 2

Attachments: Correspondence with applicant (February 2021)  
Counter-example of storefront that could open reasonably (31-35 Market Sq.)



# Fowles Facade

Jared Eigerman

Wed 2/10/2021 1:59 PM

To: Nancy Caswell <nancy@caswellrestaurants.com>;

 2 attachments (19 MB)

17-21 State Street.pdf; treatment-guidelines-2017.pdf;

Nancy, thanks again for having me by the property, today.

My advice is that your team ask now for an informal meeting with the Newburyport Historical Commission (NHC). The Chair is Glenn Richards, and his email address is glennrichards@comcast.net. Other key members include Vice Chair Patricia Peknik, who is a professor at Berklee College of Music in Boston, and is as sharp as a tack. They are problem solvers.

Once you apply for your Downtown Overlay District special permit, Zoning Administrator Jennifer Blanchet is required by law to send you to the NHC before you can go to the Planning Board, anyway, so going to NHC now will save you time later, not add time.

I've attached the 1980s inventory sheet for 17-21 State Street. This is going to be the starting point for Glenn's commission in evaluating your proposal, but, obviously, there is a ton of old photos of Fowles in addition to this.

For what they are worth, here are my personal views again, this time in writing:

1. I think demolishing those interior window ledges so you can get tables and chairs right up against the plate-glass windows is a good idea to encourage walk-in patronage, and would not harm the ca. 1941 Art Moderne storefront. Yes, those were originally just display windows, but the US Secretary of the Interior Standards (which Newburyport follows) recognize the need to "adapt" historic buildings to modern uses, especially on the interior.
2. In contrast, I think the plate-glass windows themselves, including that dark paneling below them, are "character-defining features," and I don't see how those could be altered in compliance with our regulations. You can replace the actual glass, improve insulation, and so on, but I don't see how the Historical Commission would ever recommend or the Planning Board could ever agree to let you change the style and proportions.
3. Finally, as to exterior signs, I think you might consider a holistic approach : (A) restoration of the neon "Fowles" blade sign [I know cost is an issue]; (B) installation of a "Brine" blade sign, some feet away; and (C) removal but preservation (ideally inside) of the flush "Fowles" sign.

Finally I'm attaching the published "Guidelines" from the US Secretary of the Interior. Obviously, you and your architect don't need to read it cover to cover, but do a word search on "storefronts" and you will be way ahead of the game. They even talk about Art Moderne storefronts, specifically.

Best wishes for success.

-- Jared Eigerman, Newburyport City Council (Ward 2)  
President  
Chair, Committee on General Government  
Member, Committee on Planning & Development  
Member, Committee on Rules

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From: Jared Eigerman  
Sent: Monday, February 08, 2021 1:48 PM  
To: Nancy Caswell  
Subject: RE: [Ext]Re: [Ext]Walk through

Perfect.: see you there at 1pm on Wednesday. Thanks, again.

-- Jared Eigerman, Newburyport City Council (Ward 2)  
President  
Chair, Committee on General Government  
Member, Committee on Planning & Development  
Member, Committee on Rules

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From: Nancy Caswell [nancy@caswellrestaurants.com]  
Sent: Monday, February 08, 2021 1:46 PM  
To: Jared Eigerman  
Subject: [Ext]Re: [Ext]Walk through

external e-mail use caution opening

Jared, how about Wednesday 1pm?

Best,

Nancy Batista-Caswell  
Proprietor  
Caswell restaurants  
Newburyport/Boston

Ceia: Brine: Oak+Rowan

> On Feb 8, 2021, at 11:24 AM, Jared Eigerman <jeigerman@cityofnewburyport.com> wrote:

>

> Hi, Nancy. Congratulations on getting the Fowles' space. I am grateful for your offer to let me walk through it with you. The City has minimal jurisdiction over the interior, of course, but to me Fowles was the absolute heart of downtown Newburyport. Right now, I am wide open both tomorrow and Wednesday. Let me know when to meet you, and I will be there.

>

> Best of health to you and everyone in your family.

>

> -- Jared Eigerman, Newburyport City Council (Ward 2)

> President

> Chair, Committee on General Government

> Member, Committee on Planning & Development

> Member, Committee on Rules

>

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> From: Nancy Caswell [nancy@caswellrestaurants.com]

> Sent: Monday, February 08, 2021 11:02 AM

> To: Jared Eigerman

> Subject: [Ext]Walk through

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> external e-mail use caution opening

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> Jared, hope this email finds you healthy! I was interested in having you walk the Fowles space with me this week. I wanted to get your opinion on a couple things especially since it's such a big part of state street and downtown. I can make myself available Tuesday or Wednesday if these days work for you.

- >
- > Best,
- >
- > Nancy Batista-Caswell
- > Proprietor
- > Caswell restaurants
- > Newburyport/Boston
- >
- > Ceia: Brine: Oak+Rowan



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## DOD Historical Report

**Meeting Date** 23 April, 2020

**Property Address** 31-35 Market Square, Unit 1

**Applicant** John A. Santaniello

**Project description** Replace existing ground floor (in restaurant area) windows with new windows within existing openings but with new configuration and operation.

### Plan(s) of Record:

Please refer to plans submitted 27 March and appearing on the posted agenda for the NHC meeting of 23 April, including the "Revised plans (2/26/20)," "4 lite option (3/5/20);" "6 lite option (3/5/20);" "Revised plans (3/10/20)" and "Muntin bar detail (3/10/20)" documents.

### Significance of the historic building/structure proposed for demolition:

The Massachusetts Historical Commission has provided extensive background information on the "Form B" for this address, so I will not repeat that here. I will, however, point out what may, or should be, obvious: Market Square is one of the key focal points of historic Newburyport – perhaps its most important historic locale. Therefore, it is appropriate that we consider any proposed changes to this area with great care to ensure that we protect this irreplaceable cultural resource.

### The relative importance of such historic building/structure to its setting within the District:

31-35 Market Square is an integral part of the "West Row," one of the prominent, major downtown structures built after the devastating fire of 1811, and as such it is critical to the historic architectural integrity of the square.

### Recommendation to SPGA (Planning Board):

There have been several discussions among the board, individual board members and the applicant, both within meetings of the Historical Commission and in less formal settings. At this point, we have the following observations and recommendations:

As to installing operable windows (that is, windows capable of being opened), it is most important that the functionality (the capability to be opened) does **not** necessitate structural

forms that adversely impact the character of the building, and by extension, Market Square. Our specific concern is that the stiles, rails and muntins dividing the lights will likely be uncharacteristically wide to an unacceptable degree.

The problem is this: the present configuration consists of groups of 9 or 12 lights (or panes) separated only by narrow muntins, each about 1.25" wide. But **operable** windows must be built as multiple separate units within the same overall window opening. Each individual, movable unit or sash will require vertical stiles on both sides, and horizontal rails top and bottom, to provide structural support. Stiles are wider than muntins, and where two stiles meet, this extra width is doubled. The result may be seen on the submitted plans, as revised 10 March, on page A2.02, which shows existing and proposed elevations. (See also *Illustration 1*.) The submitted "Muntin bar detail (3/10/20)" document indicates that the stiles are to be 3 inches wide, and muntins to be 1-15/16 inches (and too shallow or flat as well). A window with those specifications would have solid vertical elements over 6 inches wide where before there was only a muntin of about 1.25." We feel that this is not acceptable.



*Illustration 1: Excerpt from plan page A2.02, with differences highlighted.*

On the contrary, we would expect that any new windows shall have dimensions of the lights, stiles, rails and muntins that are similar to the current configuration, which in turn appears to be very similar to the configuration shown in the photograph on the Form B. We are highly skeptical that it is possible to build wooden framed windows that meet those requirements. It might be possible to achieve it by using metal as the framing material, since it is stronger than wood so it need not be so wide. The metal could also be given a profile and color such that it is very similar to a wood product in appearance, and therefore compatible with the Market Square environment. Chrome or stainless steel would be very inappropriate, but painted steel,

cast iron, etc. would be OK. (Although I expect cast iron would be prohibitively expensive.) In any event, the muntins should be about 1.25 inches, as they are now, or at most not more than 1.5 inches wide.

I think the commission feels that installing windows that are operable, while not really accurate in the context of a historic storefront, is permissible if, and only if, the windows are (when closed) a close match in appearance to existing and/or historical precedent. It may be that, given the current use of the structure, windows that open are desirable from a contemporary urban planning point of view; that is a judgement I leave to the Planning Board and Planning Director.

The Planning board will also need to consider the likelihood that windows opening in the manner proposed will almost certainly project beyond the plane of the exterior wall. The NHC did not address the impact that may or may not have on Market Square pedestrian traffic.

Respectfully submitted,  
Glenn Richards, chair.