

**City of Newburyport
Planning Board
July 1, 2020**

The online meeting was called to order at 7:01 PM.

1. Roll Call

Attendance: Alden Clark, Beth DeLisle, Anne Gardner, Tania Hartford, Leah McGavern, Bonnie Sontag, Rick Taintor and Don Walters

Absent: Mary Jo Verde

Andrew Port, Director of Planning & Development, and Katelyn Sullivan, Planner, were also present.

2. Public Hearings

- a) Institution for Savings
93 State Street
Site Plan Review (2020-SP-02)
ITIF Special Permit (2020-SP-01)
DOD Special Permit (2020-SP-09)
Continued from 6/3/20*

President and CEO Mike Jones, said The Institution for Savings (IFS), as the oldest surviving business in downtown Newburyport, took a leading role in every revitalization effort in the City. It is also the oldest mutual savings bank in the country. There have been only two expansions in 150 years. The bank never intended for the proposed building to create conflict in the community. Residents should have understood that a surface parking lot would be developed some day. The bank had never opposed any change in the neighborhood, although it could have. The expansion was vital for the bank's continued growth and stability and finally provided ADA access to the 1870s building. Expansion would help the City remain vibrant and competitive. The Planning Board, when considering feedback on the project, should determine whether the feedback is based on fact, legal requirements, or personal opinion. It is a legal requirement the building cannot exceed 40 feet. It is a fact the design is 29 feet 8 inches. It is an opinion that the expansion is too tall, too small, too massive, or just right. It is a legal requirement that the building can be built to the street with no setbacks. It is a fact that the Prospect Street setback is 4.3 feet from the sidewalk and 11 to 13.5 feet from Otis Place. It is an opinion that the setback is not enough or too much. He could not do anything about abutters losing exposure to air and sunlight, but those would not change dramatically. Any new building would block an abutter's kitchen window that is eight feet from the ground. The redesign incorporates the majority of comments from the February Newburyport Historical Commission (NHC) report, the Planning Board, and abutters, and took considerable time and money. The size was substantially reduced. The bank could not go smaller and still meet its business needs. The bank would do the right thing for the City's residents. There was no legal requirement for the Planning Board to satisfy or resolve the differing opinions. If personal opinions were to be considered in the Planning Board's decision, the bank's contributions to the City, which far outweigh the new building's height or length, should also be considered.

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Attorney Lisa Mead, Mead, Talerman & Costa, LLC, 30 Green Street, said the applicant believed the June 26 NHC review was arbitrary. A new member who had not participated in the February NHC review contributed many new ideas in June that were not in the original NHC report. The NHC chair prohibited the full team from making a presentation or speaking to address issues. Therefore, the NHC deliberated on something that was not presented. Per the Downtown Overlay District (DOD) ordinance, the Planning Board is the special permit granting authority (SPGA). The board was not bound by the NHC report. She would demonstrate that the original NHC report had inherent inconsistencies. She corrected a statement by NHC Chair Glenn Richards at the June 26 NHC review meeting regarding her statement at that meeting. She said the NHC was considering a set of circumstances that did not exist in reality. She did not say what the bank needed to satisfy was a fantasy. The NHC's statement that they would not consider the entirety of the existing building on the lot by also including the 1980 addition, and that they would not entirely consider the commercial zoning district in which the property was situated, was dealing in fantasy. They were not making any determination on the facts. The applicant had complied with the parking requirements and the zoning ordinance, notwithstanding the fact that the City has interpreted the zoning ordinance differently since it was adopted in 2017. The bank provided 60 spaces on site, of which 38 existed today and 22 supported the construction. The bank met with City staff and a working group to carefully consider feedback on the new design. The City's peer review engineer, the City engineer, and the fire department had reviewed updated plans and advised the board that their comments were addressed. The Commission on Disabilities chair supported the project.

The two-story addition at the rear of the property is attached to the 1980 addition. The first floor is for stacked parking, the second floor for offices. The 36,998 square foot property in the B2 district has 491 feet of frontage along the streets. The proposed addition is approximately 188 feet from State Street and just over 100 feet from the 1871 structure whose height is 32 feet 5 ½ inches. The proposed addition is 29 feet 8 3/8 inches high. The building was reduced in total square footage and was 25 feet shorter in length along Prospect Street than the proposed design. The design also incorporates requested changes in texture, color, reduced massing, fenestrations and openings consistent with the original bank building, as well as designs and patterns reflective of the residential neighborhood, such as vertical and horizontal interruptions, and contrasts in color and materials. A number of important design elements from the 1871 building are incorporated including the quoins, use of brownstone in the lintels and sills, use of copper, and the window patterns. The changes are consistent with new construction standards in the DOD which provides "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 temporary styles of architecture to aid differentiation of old from new."

Engineer Charles Wear, Meridian Associates, 500 Cummings Center, Beverly, demonstrated existing conditions on the layout plan displayed. The site currently has no stormwater management. The slight increase would be mitigated by an overall reduction in stormwater flow from the site of just under 25% to help with drainage issues on State Street. All impervious surfaces would be collected by catch basins, run through the detention basin and through Vortech units to improve water quality. All utility connections would be on Prospect Street.

Landscape Architect Nick Betts, Meridian Associates, demonstrated on the architectural plan that setbacks on Prospect Street and Otis Place provided an opportunity to soften the building with low evergreen shrubs and plantings matching what is on the property already. Inkberry, yew and holly

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along Prospect Street would improve the pedestrian experience. More extensive setbacks on Otis Place contain hollies, boxwoods, Andromeda, perennials, and serviceberry trees. All plantings can survive exposure to salt, heat, and drought. He demonstrated on the lighting plan the existing light poles that will remain and one new, matching light pole at the addition's entrance. The back access path had recessed, downcast lighting in the wall. The foot-candles indicated that no light left the site, further helped by a six-foot cedar fence. Attorney Mead pointed out a new bike rack located between the historic structure and the 1980 building.

Sean Fitch, Sales Director, Citylift Parking, 1901 Poplar Street, Oakland, CA, said there were over 100 systems in U.S. installed over 25 years. The three-level puzzle operation was fast, secure, and quiet. It included a one-level pit. A code was entered for access at the kiosk or a key fob used to open the gate to park. The gate closed with the key fob or a button at the kiosk. Retrieving the vehicle was the same process as entering. The lift accommodated large, medium, and small vehicles. He displayed images of local installations in Boston.

Traffic consultant Ron Muller, Ron Muller Associates, 56 Teresa Road, Hopkinton, said the project would have minimal impact on traffic. The reduction in building size resulted in 12-13 trips or less for entering and exiting during peak hours, given that there were only seven new employees. This negligible traffic increase equated to one additional car every 16 minutes on surrounding roads. The Mass DOT standard for a full traffic study was any project that added 100 or more cars.

Architect Chip Nutter, Woodman Associates Architects, 20 Inn Street, said he designed the clock tower on the site. The 1871 building was expanded in 1904 and again in 1980. The proposed expansion featured what would be the largest setbacks on Otis Place and Prospect Street. The proposed addition was a quiet background building behind the historic building to avoid overwhelming it. It was subordinate and secondary to the historic structure. The connecting portion was similar to that used on the 1980 addition to give the appearance of three interconnected buildings rather than one large building. The design intentionally looked like a commercial building and was sensitive to the abutting residential neighborhood. The use of brick, brownstone, windows with muntins, copper, solids to voids, were compatible with existing buildings. The rhythm and size of window and door openings were similar to existing buildings. The use of the same brick and narrow brick joints as the 1980 building was also compatible. The angled building corner related to the clock tower and the library tower across State Street. Rectangular and angled bays, similar to homes on Prospect Street and Otis Place, break up the massing. Projecting sills and a base course, as well as contrasting projecting quoins, complimented the 1870 structure. He demonstrated on the ground level plan a set back lobby in the addition. The elevator made the entire building fully accessible. The setbacks were 4.3 feet on Prospect Street, 13.5 feet to the building and 11.5 feet to the bay on Otis Place, and six feet on the south side. He demonstrated on the roof plan the location of mechanical equipment over the lobby and an exhaust fan in the middle of the roof to avoid being visible from streets and sidewalks. He demonstrated on the existing and proposed building elevations that the proposed addition was lower than, and over 100 feet away from, the 1871 building. The glazed lobby connector was of bronze colored storefront and copper similar to 1980 addition. The copper cornice was similar but not identical to the cornice on the 1871 building. The main part of the addition had windows with muntins that were compatible to those used throughout the neighborhood. Angled bays facing Prospect Street helped to breakup the massing and enhanced neighborhood compatibility. Stone quoins at the corners related to the 1871 building. The stone base and stone lintels and sills in all windows were similar to the existing buildings and added texture and relief. The Otis Place elevation has a rectangular base similar to the neighborhood. The

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south elevation facing Garden Street had ground floor windows to break up the massing and a six-foot high cedar fence to shield the neighbors. He demonstrated on a separate elevation the height of the proposed addition compared to a home at 11-13 Prospect Street.

Architect Chris Angelakis, ARC, 501 Boylston Street, Boston, demonstrated context and scale on renderings that modeled heights of neighboring buildings from birds eye, street, and sidewalk views. Copper cornices dialogue with 1871 building and the neighborhood. The size and height of windows were consistent with mid-19th Century commercial buildings. Windows were proportional with the adjacent neighborhood. The bays were thoughtfully proportioned for a dialogue with the neighborhood. A previous submission had a tower on the corner. Removing the tower helped to reduce massing and make the design more contextual with neighborhood. The scale of divided light windows and a projecting bay on Otis Place created a relationship to the adjacent homes. The architectural elements also had a relationship with the eave heights and peak heights of neighboring homes on Prospect Street where the eaves lined up to provide a unified street wall. The addition presented a unified street face in accordance with that street wall.

Judith Selwyn, Preservation Technology, 285 Reservoir Road, Chestnut Hill, said most of her work with the bank was in restoring the roofing and masonry façade of the historic building. She was on the original committee revising the Secretary of the Interior standards 30 years ago. There was a large documentation of interpretative material on those standards. Each building and situation is different, making it necessary to interpret the standards. Reversibility and the impact on the historic building were important. The addition did not touch the historic fabric of the 1871 building. Preservation was not static. Interpretation changed over time. Most people do not realize there was a 1904 addition to the historic building that added wings to each side. Original materials were still available at that time. But by the 1980 addition, it was appropriate to be modern. Today, an on-grade parking lot was never an asset in an historic district. The logical use for it was a bank expansion. She demonstrated on renderings the proposed building in context, first from State Street, followed by multiple views from Prospect Street, Otis Place, and Garden Street. The original high pediment was gone. The big brownstone balustrade around the entire building and the flat front was gone. The original design was a longer and higher building. NHC members, in the first review meeting, pointed out useful things to break up the massing. The two-story corner and big windows are gone. The lower building is quieter by comparison. Bays with brownstone lintels and sills and divided light windows and quoins created a common language with the surrounding buildings and kept the rhythm seen in other buildings on Prospect Street. The interplay of the commercial structure with the surrounding residential structures was emblematic of a time when people walked to work. The Otis Place bay reflected both the eave line of the house next door and the two-bay repeating pattern. Looking down Otis Place all homes had angled bays. The setback was significantly further than required to allow generous landscaping. Looking through Garden Street backyards to the historic building showed that was almost on the Garden Street lot line. Garden Street houses had 30 feet of backyard. The proposed addition was substantially further away than these structures were from each other. A two-story projecting bay house was shown on the corner of Prospect Street and Otis Place. The houses are closely spaced with a two bay pattern on the right side of Prospect Street. The buildings were extremely close with no driveways between them. That read as a two-story continuous wall of buildings. The library replaced an even larger building.

Attorney Mead detailed how the project met the five Site Plan Review criteria. She noted that height and massing were consistent with the community character. Single and two-family homes were not allowed in the B2 district so there was nothing to suggest the addition should try to look like a

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residential structure. An increased footprint would allow the bank to remain a vibrant part of the City's economic center. Very little if any open space was impacted. Pulling back from the street provided for landscaping that was unusual on Otis Place and unheard of on Prospect Street. She detailed how the project met general Special Permit criteria. The use is a by right retail services use. The 2017 Master Plan supported downtown growth so it would remain vibrant and prevent sprawl. She detailed how the project met DOD Special Permit criteria. The proposed addition was reversible. The construction was compatible and specifically did not disrupt the essential form or integrity of the historic building, nor disrupt the lot where it was located, since it was a non-historic empty lot. It would not disrupt the essential form and integrity of its setting within the DOD. The bank undertook a painstaking review of the surrounding architectural features, massing, and scale as a whole. Representative of the historic zoning and development pattern for decades, the B2 district permitted full lot coverage with no setbacks. When the City Council downzoned a couple of years ago, they did not use that opportunity to change the pattern of transitions from one district to the next. The proposed addition matches the surrounding area and does not diminish the streetscape or the homes. The term compatible meant capable of existing in harmony together. She presented images of showing Prince Place, Harris Street, the James Steam Mill, Salem Street, Independent Street, and the Tannery as examples of four-story commercial buildings against wood frame residential structures. This same development pattern was on display throughout the City. The proposed addition did not disrupt the essential form and integrity of this pattern.

Mr. Angelakis said there was a unique scale to the entire City because most of the older Massachusetts cities had lost this mid-1800s pattern. In that context, the relatively large building demonstrated the size appropriateness of the proposed addition. The bank agreed with that stewardship.

Newburyport Historical Commission Chair Glenn Richards said the NHC issued its first report after reviewing the project in February. Commentary on the most recent materials was in the NHC's June supplemental report. The commission was careful to be fair to the applicant by adhering to a review of the facts against what the DOD ordinance required. An NHC member who lived in the neighborhood and wrote a letter to the paper about the project recused himself. Other members performed substantial research. It was not possible to avoid opinions. The NHC tried to base their opinions on facts to avoid being arbitrary, much like a judge when rendering an opinion based on the facts. The bank made substantial improvements, the setbacks in particular. Bays are typical of the Victorian era. The first floor is so high because of the parking structure inside that the bays are outsized compared to bays on neighboring houses. The window heights are unusual because the first floor height is unusual. As a result, the bays look odd. He agreed with Ms. Selwyn that the Secretary of the Interior standards required interpretation. That was another example of opinion. The supplemental report strongly expressed some problems and how they might be mitigated. One side of the building faces the business-zoned lot adjacent to other businesses on State Street. The other three sides are adjacent to residential areas. To be more sensitive to the residential area, the NHC suggested the use of clapboard to make the transition less jarring. The height of the cornice draws more attention to the building height, which can be mitigated by coming down more in line with the eave height of the typical residence on Prospect Street. Prospect Street houses have ins and outs and different colors that break them up. The brick addition still has a solid brick wall effect that reads as more massing than is typical for that street. Size is relative. Compared to the historic building and the 1980s addition, it is obvious the size of the addition is large. He hoped the comments were helpful.

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Public comment open.

Dave Tibbetts, 26 Titcomb Street, IFS trustee, was in strong support. The bank did an exemplary job meeting concerns and criteria while meeting their own needs.

Jeff Caswell, 78 State Street, abutter, was in support. The bank was asking for much less than what they could do.

Gary Karelis, San Diego CA, property owner on Prospect Street and Otis Place, was opposed. He did not dispute the good the bank has done, but was concerned with noise pollution from larger HVAC systems, increased traffic, and the loss of air circulation and natural light for the entire neighborhood.

Peter Mackin, 13 Prospect Street, was opposed. He would be directly across from the new garage entrance. He appreciated the new proposal, but the bank had made no effort to work directly with neighbors. The project did not benefit neighbors on the backside of bank property. The quaint neighborhood would be destroyed. The application was misleading because the address of the addition was 14 Prospect Street, not 93 State Street. The mass, scale, and height dwarfed everything, creating a tunnel. Prospect Street should not look like an alley the way Prince Place does. He could accept all parking underground and a one-story building.

Mary Williamson, 19 Elmwood Street, Salisbury, executive director of Anna Jaques Community Health Foundation, on behalf of Anna Jaques Hospital, was in support. The bank is a strong, steady, and reliable community partner, and a substantial employer who meets the business needs of its customers. The addition helps the bank grow and thrive.

Patricia Peknik, 4 Dove Street, Vice Chair NHC, was opposed. The NHC is adhering to the Secretary of the Interior standards to conserve historic character and preserve the scale of neighborhoods. According to the standards brief on additions, the project should have the least impact. This building is three times the volume of the historic building. It does not comply with zoning if it does not comport with standards.

Tim Wacker, 13 Otis Place, was opposed. Renderings omitted the cars that line both sides of the street on Prospect and Garden Streets and Otis Place, including moving vans that block access by stopping in middle of street. The situation is impossible for emergency access. It is a public safety problem that requires a more detailed traffic study. Mr. Jones said the addition is vital to the growth and stability of bank, but three-quarters of bank deposits are outside the City. Why not build in one of those areas?

Cindy Johnson, 99 Lime Street, bank trustee, was in support. Zoning allows the City to designate where commercial activity takes place. Eroding this distinction is a hazard to the downtown. If you choose to live next to a commercial area, you should expect this land to be used commercially. The bank has made an effort.

Brian Zampell, 3 William Griffin Way, Industrial park business owner, was in support. The bank is committed to staying in Newburyport. A business that can grow and expand in the pandemic should be commended.

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Bill Sheehan, attorney, 8 Essex Center Drive, Peabody, MA, represented residents of 15 Otis Place, who were opposed. The proposal did not satisfy the ordinance parking requirements. The applicant is adding a gross floor area of 8,454 square feet for a total of over 21,000 square feet. It is not net floor area. Retail use parking calculations are three spaces per 1,000 square feet. That is 66 spaces. Only 60 spaces are provided. A May 28 letter details the parking issues.

Claire Papanastasiou and Mark Griffin, 4 Otis Place were opposed. They knew the bank would develop the parking lot but did not get a heads up. Abutters' issues are part of the deliberations, but the quality of the applicant has nothing to do with the application. The NHC noted that it is still a looming brick giant as you travel down Prospect Street. Materials and design are in contrast with the neighborhood. A letter with legal considerations was submitted, as well. They supported the NHC supplemental report. The bank can do better. They could accept a smaller, more historically sensitive building. The surface parking lot is better than the proposal, which is too massive and insensitive to neighbors.

Lloyd Hamm, 66 State Street, CEO, Newburyport Bank, was in support. The proposed use is in the B2 zone. If it meets criteria it should be approved. We can find something that works.

Richard Kallman, Ipswich, was in support. Centuries old buildings coexisting with any change to the downtown is a balancing act. The top guidance in the executive summary of the Master Plan is to maintain economic sustainability and to promote and support the City commercial center. Expansion is the reward for the bank's good service. To maintain their presence downtown the IFS must work with the site that it has. The major modifications and changes to the initial design deserve the board's utmost consideration.

John Leary, 23 Broad Street, bank trustee, was in support.

Colleen Turner Secino, 15 Otis Place, was opposed. She said a 16,000 square foot private parking garage nearly 30 feet high is not respectful of our neighborhoods. If this much space is needed, do it in the business park or put it where the clock is now and put the clock on Prospect Street.

Tom Kolterjahn, 64 Federal Street, co-president, Newburyport Preservation Trust, said the trust was opposed. The design would have detrimental effects on the historic neighborhood because it is too large in mass, scale, and proportion. It does not meet Secretary of the Interior standards. It overwhelms the historic bank building. The bank should work with the neighborhood.

Cindy Sosa, 15 Prospect, #5, was opposed. Her main concern was parking. If the vision statement on the IFS website were true, the bank will listen to what residents are saying. With the pandemic and everyone working from home, was all that office space really needed?

Steve and Renee Charette, 16 Prospect Street, abutters and Newburyport business owners were opposed. The reasons were scale, height, and noise. Their 11 windows would face a wall of brick. The humming generators could be heard today. The related building services equipment and car lift would bring additional noise. They supported the NHC supplemental report. The neighborhood was recognized historically in the state. The museum, showers on site, and a gym were not essential to operating a bank.

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Aaron Clausen, 3 Otis Place, was opposed. He agreed with the applicant that Newburyport's unique historic character unrivaled anywhere in New England should be preserved. He has submitted two letters to the Planning Board. The bank's project as proposed does not meet the DOD Special Permit criteria. He supports the NHC supplemental report.

Richard Pollak, 1, 3, 5, 7 Garden Street property owner, was opposed. His nine tenants complain about the generator and air conditioner noise, both positioned right on his lot line. Sunlight was already limited in the yard. He was concerned about drainage because his property gets a lot of water in the yard. The building would be three feet from his lot line. The building is too massive to fit the neighborhood character.

Maureen Mackin, 13 Prospect Street, was opposed. To protect the integrity of the historic building it is no wonder the addition is pushed so far away from it. The windows do not match windows in the neighborhood. Pictures of streets showing how commercial buildings are not in harmony with neighborhoods demonstrates how building close to the street was not a good idea in the past and it is not a good idea now. The bank could build a smaller building, put it on State Street, or use other locations. They are not trying hard enough.

Sean Sullivan, 9 Prospect Street, was opposed. The mass, scale, and height are too large. His historic house from 1800 was there 70 years before the bank. It was designed to get sun from the south that would be blocked by the new building. The tops of his windows are 16 feet high and would only go half way up the 30-foot structure. The building can be smaller, lower, and pushed further back. The bank has not entertained any of these options.

Anne Marie Clausen, 3 Otis Place, was opposed. She agreed with her neighbors and the community about the solid brick wall effect. She felt extreme opposition to the parking garage and noise from the bank's addition.

Sandra Nogglar, 13 Prospect Street, was opposed. She agreed with others in opposition.

Joseph Morgan, 55 Hill Street, NHC member, was opposed. The net square footage calculation of the historic building at 24 feet is 97,000 cubic feet. The proposed addition is 240,000 cubic feet or two and a half times the size of the historic structure. The eaves on Prospect Street are 21 feet high. The addition's cornice is the most imposing at 30 feet, significantly higher than the eaves. The NHC offered great suggestions to the bank, but they did not want to look at the options.

Dr. Kevin Gasiorowski, Appleton Eye Associates, 39 Green Street, was in support. The bank needed the opportunity to grow and expand.

Jack Santos, 10 Spring Street, was opposed. The bank's concept of streetscape and transition ignores buildings that are 15 or 30 feet away. The bank's addition was far off State Street and into the neighborhood. If approved, that would set a precedent for other banks do this on Essex, Temple, and Charter Streets. Build appropriately.

Stephanie Niketic, 93 High Street, was opposed. The bank did not need a 16,000 square foot addition to add sprinklers and ADA access.

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Dr. Saira Naseer, 235 Storey Avenue, IFS trustee and owner of North Shore Internal Medicine, was in support.

Mary Anne Clancy, 16 Neptune Street, was in support. Nothing in the application would allow the Planning Board to deny it. She agreed with Mike Jones and Judith Selwyn.

Frank Cousins, 242 Water Street, president, Greater Newburyport Chamber of Commerce, was in support. Banks and insurance companies were part of Newburyport's vibrant downtown.

Public comment closed for the evening.

Member comments:

Chair Sontag explained zoning regulations relevant to the application. The DOD ordinance takes precedence over the underlying zoning for the Special Permit. Site Plan Review is relevant because more than 1,000 square feet is being added. The applicant falls within the B2 dimensional controls that allow 40-foot heights with zero setbacks. The proposed addition meets all requirements for the zone. The zoning provisions of Site Plan Review and the DOD set the measure of how the board deals with this application.

Anne Gardner said, for the DOD Special Permit (SP) findings, the proposed design could impair the integrity and character of the adjoining neighborhood based on tonight's testimony from neighbors who are all against the project, and all the letters received. It could be detrimental to the health and welfare of residents in terms of their loss of light and additional noise. There is testimony that an addition this size is critical to the bank's future. The applicant should review their program for the space to evaluate if everything is truly essential to their financial viability. Verbal testimony and two NHC reports support non-compliance with the DOD ordinance. Site Plan Review criteria stipulates harmony with adjacent buildings and the neighborhood, a residential setting. The building's large size and location on the lot do not achieve harmony. The Planning board has never seen this amount of opposition to a project aside from Waterfront West.

Rick Taintor said the use is completely appropriate. It is mystifying why a more historically true design was not chosen to anchor the corner of State and Prospect. The proposed addition is not subordinate or secondary. It hides the historic building from the neighborhood. The library expanded along State Street. It makes more sense to put the building along State Street where the customer parking is now. Unless the two functions of parking and offices in one building are separated, the building is too big. Office functions could go on the front of the lot and parking could be in the back of the lot. The result would be an addition that does not overwhelm the neighborhood. The current design is only secondary when viewing it from State Street. Otherwise it makes the historic building disappear. The current plan may not comply with the conditions of the SP. There is a clear alternative that might solve everybody's problems regarding the SP and should be considered.

Tania Hartford addressed the comments submitted to the board from residents that criticized the Zoom meeting format by stating that while it was not the ideal, it did adhere to state standards and provided a platform for perhaps more residents to participate. At the last meeting, it was suggested that neighbors should be careful talking about parking issues because the bank has much more parking than a lot of businesses in the downtown. Downtown districts by nature have shared parking. In some ways the bank has overcompensated by placing a parking garage in their proposed

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building but it does meet all the parking minimums without using shared parking. Ms. Hartford provided another perspective in that placing the new building in the back of the site makes the historic structure more prominent. Despite the missing tooth on State Street, if something were there, it would detract from the historic building. In that regard, a structure does belong on the surface parking lot. Historically there were buildings on this lot. As for density, we have dimensional controls that dictate the size of buildings in our zoning districts and the applicant has shown that this building meets, and is in fact under, those requirements. On the building design, there is a lot of brick, which ties into the 1980s addition but not to the residential street. Ms. Harford agreed with the NHC that clapboard might be a better material for the Otis Place side but the applicant has shown how brick commercial buildings tie into residential districts in other areas of the City. Newburyport's mix of residential and commercial is what makes the downtown unique. She supports the NHC comment that the bump out on the Otis Place side looks out of place and unlike the examples shown of bump-outs on Otis Place. A straight façade would look better there. The south side, where the new generator is located, has good vegetation as screening for the Garden Street residents. Why not keep that for a screen instead of putting in a walkway, or replace it in kind? Would garage and office lighting be on all the time? What about the noise and echo of the CityLift? Is there a cut-off time? Are there examples of CityLifts in dense residential neighborhoods? What signage is proposed for the back or along the street?

Leah McGavern said it does come down to opinions that are based in the facts and the board has discretion. The architecture's compatibility with the neighborhood and the proposed addition's relationship to the historic building do not work. It is not compatible in mass, size, height, or scale within the lot or within the setting and overwhelms the historic structure. The applicant received good feedback to use. It should go back to the drawing board.

Beth DeLisle agreed that the proposed addition was not compatible with respect to the massing, size, scale or height of the historic building, the lot, or its setting and that the addition would overwhelm the historic structure. Other sites presented showing the coexisting commercial and residential pattern in Newburyport for comparison did not mean that should happen on this lot. Those sites were overwhelming and incompatible and the buildings were not similar to this building. There can be a better compromise. A height reduction of one and a half feet is still too massive for the area. In light of DOD SP criteria, 40 feet would not be appropriate either. The trees are opaque in the rendering of the view from State Street looking down Prospect Street whereas in the other renderings the trees' opacity had been reduced to see through them. It would be helpful to see through the trees to see the different levels of the buildings and how it fits into the streetscape better. A view from across the street looking down Prospect Street would be helpful too. Is the parking lift ADA compliant for a handicap employee? There is one handicap space on the property. Does that meet requirements? The cornice is very heavy and should be changed. How would the circulation pattern with the garage and the ATM work? Could a shadow study be done? Overall, the applicant's presentation is not compatible.

Don Walters said one item for consideration in Site Plan Review for community character says "...in harmony with the adjacent buildings and the immediate neighborhood." It does not say compatible or consistent. Harmony can be interpreted as softening the line and transition. The traffic, parking, and use are correct unless the Zoning Administrator wants to change it. The DOD SP ordinance talks about procedure and criteria in XXVII-F and it talks about streamlining, harmonization, and the Secretary of the Interior standards. It's unclear which section relates to Site Plan additions. It comes down to the massing created by the material and in how that fits with the

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neighborhood. The streetscape from Otis Place is more problematic than Prospect Street. But we should not base a decision on one abutter.

Bonnie Sontag said based on the site visit, the generator, air conditioners, and roof HVAC should have soundproofing for abutters. Screening is not enough. Further information on the CityLift noise level and whether it will be used in off hours is needed. The height of the structure blocking the air and sunlight from Otis Place is a concern. A design solution to ameliorate the problem could be found, although the problem probably cannot be eliminated entirely. Compatibility with the residential neighborhood is a problem. A compatible streetscape for Prospect Street and Otis Place is desirable. The applicant said they put a lot of effort into complementing and working with the historic structure. They need to be more concerned with the neighborhood. The book, *The Old Way of Seeing* by architect Jonathan Hale praises Newburyport throughout the book for harmonious designs of old buildings. In his book he says a focus on styles, materials, and size often omits attention to proportions, patterns and rhythm. "Any building is as real as the next, but it is the play of pattern that makes a building feel real. Style, color scale, historical accuracy and craftsmanship all must be part of the music of pattern. If there is no song, all the rest counts for nothing." Please make the building sing.

Attorney Mead said the sounds of the lift system mechanics are comparable to a residential automatic garage door opening. Lights are motion activated and not on all the time. Lights in the building go off when people go home at night. She demonstrated on a rendering of Prospect Street the shadows of the proposed buildings over the cars on Prospect Street. It was midday in April. A shadow study had not been done. The height of the proposed building is 29 feet 8 inches. The average elevation of structures directly across Prospect Street is 130 feet with a peak at 137 feet elevation. Our elevation is 130 feet. The corner house at Otis Place and Prospect Street has an elevation 127 feet and a peak elevation of 132 feet. She would take a look at screening in the rear for the generator. She hears the comments on the generator. She heard two different perspectives. One perspective says put the building at the corner of State and Prospect Streets, but if the addition were on State Street you would not be able to see the historic building coming up State Street. She did not know how to balance that with the location it in rear. The bank was not in a position to block the view of the 1871 building. It would be helpful to hear more about that fundamental issue for a location perspective because the bank is not in a position to block the viewscape to the historic building.

Rick Taintor said he hoped he was not understood to say replace the fountain with a building. He was suggesting the same State Street setback as the historic building or a little further back to fill up the hole, which makes more sense. Do something more like what the library did. Someone made a comment that if the Planning Board had imposed this level of review on library expansion had undergone this level of review, the library expansion would not have been constructed. That is totally absurd. He was talking about something similar that happened with the library expansion, which created an edge that continues the streetscape, respects historic building, and also respects the historic character. There was a historic period in the 1970s or 80s when the banks purchased buildings and tore them down to make parking lots. We are living with that destruction in a lot of historic downtowns. Newburyport is not the only place. He thought this was a great opportunity to bring some of the scale and rhythm of that historic streetscape back. There was historically a larger brick building where the customer parking is now. It was fairly open in the back of the lot except for that one residence. That is my perception of how we integrate this expansion with the historic

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neighborhood. He did not see that the proposed design does that, so he was trying to look for something that would be more in keeping with the way Newburyport historically developed.

Attorney Mead said the addition on the library is entirely different than it would be to add an addition onto the side of this building or to place a building beside this building, particularly considering type of building that the Tracy Mansion is. When you drive up State Street, you see the Tracy Mansion first and the library peels off of it. That is not the orientation of this historic structure. Part of the beauty of this historic structure is that you see the side, and it carries around to the front. She wanted to know where the rest of the board was on that comment.

Bonnie Sontag said what we heard from everybody else was some variation on adapting the design of the proposed structure. Are any members are looking at something similar to what Mr. Taintor is saying but different from the structure proposed? It's fair to say the rest of us are looking at the existing structure to be more adaptable to the residential neighborhood. L

Leah McGavern was not ready to write off Mr. Taintor's idea that quickly. Attorney Mead made some astute comments on how the bank is experienced. It would be a challenge to make Mr. Taintor's idea work. It is a very interesting idea and it would be comforting to know that the applicant looked at that possibility. It would be complicated to squeeze a building in beside the historic structure set back from the street. It would presumably have to have all the program elements that the applicant is currently trying to squeeze into the current building proposal. That may end up being more massive and not work. And then all the parking somehow squeezed into the back. She did not know if it was possible. To Mr. Taintor's point, it would be interesting to know that the idea was explored.

Beth DeLisle agreed. She wondered if re-doing the 1980s addition or putting the new addition more in that area rather than filling out this lot, which is very much a residential area.

Attorney Mead said everyone needed to remember that we are not just talking about the historic structure on the lot. The 1980 addition serves a significant function for the bank. It is where the main drive-up window is. There are other functions in there that, while they may be changed, they are programmed. The bank cannot forget about the 1980 building, its use, and its important function to the bank.

Leah McGavern said she did not think anyone was proposing to get rid of it.

Rick Taintor said historically you could not see the side of the bank because two buildings were beside it. I understand that now that the buildings have been torn down it is nice to be able to see the side of the bank, but I do not know if that has any bearing on the historicity of the site or the value of how you design the site. The other thing is that we are talking about a street that was historically a two-way street converted to a one-way street in the very recent past. There has been talk over the years about reversing the one-way pattern on State Street. That would totally undercut the concern about hiding the bank. He was not suggested getting rid of the modern addition. Although it was not the only way to look at the situation, he suggested trying to see if it was possible to create a commercial building on the commercial street and take some of the commercial bulk away from the residential neighborhood.

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Bonnie Sontag said there seemed to be enough interest to look at some alternatives. She did not want to put the bank at a disadvantage. Attorney Mead might say we keep asking for different alternatives. If there was a way, it would be worth sketching out what some of these alternative ideas would look like without putting a lot of expensive renderings into it, but just to explore these ideas to get a sense of what might be possible. That would help to alleviate the Planning Board's concerns that we are forcing ourselves toward one solution that may not be the best one. Could the bank consider some alternatives to help us with this? The Planning Board wants what is best for all concerned.

Attorney Mead asked for a continuance to the first meeting in August. The Planning Board has worked very hard. The bank has worked very hard. She understood that there were neighborhood concerns. The reason we have standards and zoning ordinances is to provide property owners with an understanding of their rights and what they can expect. While it is difficult to balance the rights of property owners against the concern of neighbors, everyone should buy their property with their eyes wide open.

Chair Sontag reiterated that a special permit is a discretionary permit. The criteria are listed. Coming in for a special permit asks that the applicant be open to different points of view on that special permit and that we come to an agreement together. We are not dealing with a straight forward underlying zoning and Site Plan Review, which is just to make sure that everything works well on the site. She hoped everyone was going forward with the idea that we are going to keep talking about this.

Attorney Mead did not disagree at all that the Planning Board had discretion on a special permit, but there are criteria by which people develop plans. She was suggesting the property owner understands and has a right to rely on those criteria and the discretion. It may be true that there are impacts in the neighborhood, that is the balance, but the criteria are there for a reason. She did not disagree with the board's discretion.

Leah McGavern made a motion to continue the DOD Special Permit (2020-SP-05), ITIF Special Permit (2020-SP-01), and Site Plan Review (2020-SPR-02) applications for 93 State Street to August 5, 2020. Tania Hartford seconded the motion and seven members voted in favor. Alden Clark abstained.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

***b) Dan and Judy Lynch c/o Lisa Mead, Mead, Talerman & Costa, LLC
342 Merrimac Street
VI.C Special Permit (2020-SP-12)
Continued from 6/17/20***

Attorney Lisa Mead, Mead, Talerman & Costa, LLC, 30 Green Street, said the client asked to continue.

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Don Walters made a motion to continue the 342 Merrimac Street- VI.C Special Permit (2020-SP-12) to July 15. Rick Taintor seconded the motion and eight members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

3. Other Business

***a) Minor Site Plan Review – 0 Parker Street (2019-SPR-07)
Continued from 5/20/20***

The applicant requested to continue to 8/5/20.

Leah McGavern made a motion to continue the Minor site Plan Review for 0 Parker Street (2019-SPR-07) to August 5, 2020. Rick Taintor seconded the motion and all members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

b) 44 Toppans Lane -- Approval Not Required (2020-ANR-06)

Director Port demonstrated on the plan a slight reconfiguration of the lot line that the Planning Office recommended.

Leah McGavern made a motion to endorse the ANR Plan for 44 Toppans Lane (2020-ANR- 06). Beth DeLisle seconded the motion and all members voted in favor.

Motions Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

4. Planning Office/Subcommittees/Discussion

a) Approval of Minutes

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The minutes of 6/17/20 were approved as amended. Rick Taintor made a motion to approve the minutes. Don Walters seconded the motion and all members voted in favor.

Motion Approved.

5. Adjournment

Leah McGavern made a motion to adjourn. Don Walters seconded the motion and all members voted in favor.

Motion Approved.

The meeting adjourned at 11:01 PM

Respectfully submitted -- Linda Guthrie