



NEWBURYPORT
PRESERVATION TRUST

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Linking the past with the present and future



Quarterly Newsletter of the Newburyport Preservation Trust

Summer 2021

Preservation advocacy update

Preservation requires commitment and tenacity in the face of multiple strategic continuations

NPT board of directors, members, and non-members maintain informed presence at city zoning board hearings

The usual strategy when the wind appears to be blowing the wrong way for an applicant before the city's Zoning Board of Appeals (ZBA) is to request a continuation before a vote is taken.

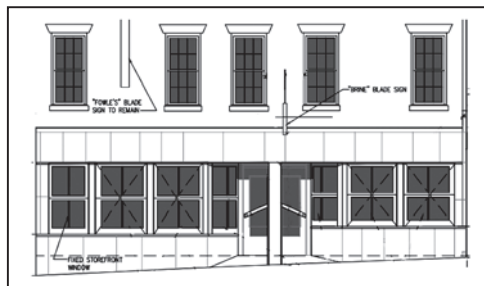
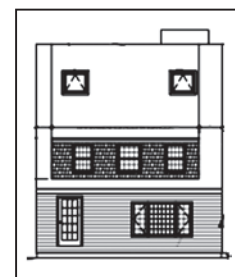
Ostensibly the request by the applicant's legal representative is to have more time to consider alternatives and revise plans. Strategically for the applicant, however, a continuation can also blunt the immediacy and logic of any public opposition.

So, what could be decided definitively by a ZBA vote after one night of reviewing plans and hearing public comment, instead gets dragged out for months, continuation after continuation. But in a meeting months later, particular points of public comment could be forgotten, or an insightful meeting participant could be unavailable. In view of this, an additional quality for the effective preservation advocate is sheer *longevity*.

Two preservation-relevant cases before the city's Zoning Board of Appeals have been continued repeatedly. The appeal of Caswell Restaurant Group (a tenant at the former Fowle's on State Street) contesting the legitimacy of the city's Downtown Overlay District (DOD) preservation zoning law, has been continued to October 12. The application by the owner of the First Period house at 2 Neptune Street for a Special Permit for Non-Conformities has been continued to September 28. An update:

Caswell Restaurant Group. On June 8 the ZBA granted a variance – not to allow changes to the facade or allow installation of operable windows, but rather to allow the

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Above are (1) the First Period house at 2 Neptune St. before more recent changes, and (2) the proposed shed dormer at the rear. At left are the windows proposed at the former Fowle's. At right, the structural glass sign has been left to deteriorate.



NPT's Powder House Park & Learning Center hosts public program for Yankee Homecoming

After more than a year relegated to telephone planning sessions, a remote annual meeting, and a lecture presented via Zoom, the Newburyport Preservation Trust (NPT) was pleased to once again present an in-person public program July 31 at the Powder House Park and Learning Center.

The 1822 Powder House on Low Street was open for tours on the first Saturday of this year's Yankee Homecoming celebration. In addition to the tours explaining the need and function of a local powder house in the early 19th century, the day's activities included musket-firing demonstrations.

Newburyport's powder house was laboriously restored by NPT over a period of nine years. Since opening in 2012, it has hosted thousands of visitors at special

events and on school group tours. In 2013 NPT's preservation efforts were recognized with an Award of Merit from the American Association of State & Local History.

With hope for an eventual safe and healthy future, NPT aims for a full return to public programs when it is safe to do so. ■



If preservation policy matters to you, now is the time to question candidates

The Newburyport Preservation Trust, as a proper 501(c)(3) nonprofit organization, is prohibited from most kinds of political activity, such as endorsing candidates or lobbying for ballot questions.

So as election season approaches in the fall, we simply encourage all citizens to pose their questions about preservation-related issues and policy directly to the

candidates for Mayor and City Council, preferably in a public forum so all can absorb and evaluate the response.

In 2013, a pro-preservation City Council was elected. By April 2014, the city finally had protective pro-preservation zoning laws. But times change, population reconstitutes, and collective values evolve. So let's all see where our candidates stand in 2021. ■



Irony Department

NPT's most far-reaching Facebook post written by a social-media-averse old guy

An article and photo extracted from the spring 2021 issue of NPT's *Quarterly News* entitled "The Fowle's issue: It's also about people and public memory," set our all-time record for Facebook readership, reaching more than 6000 users on that platform.

While that number pales in comparison to the millions clicking on cute puppy videos, the post reached well beyond the core of NPT members, and beyond our city borders. The article drew more than 100 responses, surprisingly uniting the often conflicting voices of preservation and nostalgia.

The publicity generated by the Facebook post contributed to overwhelming public

comment in opposition to changing the Fowle's building facade at the June 8 meeting of the city's Zoning Board of Appeals.

The irony is that (1) the article was seven paragraphs long – too long for a skimming-and-clicking medium; (2) the writer of the article is a non-participant on social media; and (3) the article – so up-to-the-minute on Facebook – was written by a guy whose last brief period of timely hipness was in 1969.

The photo of the Fowle's sign still asks the question: Is the building's owner, New England Development, by allowing this DOD-protected sign to deteriorate, guilty of a prohibited "demolition by neglect"? ■

Yankee Homecoming 2021: 'If This House Could Talk' garners more rave reviews

'If This House Could Talk,' the fun do-it-yourself house history program, was a hit again this year during the city's week-long Yankee Homecoming celebration July 31 through August 8.

This year the program, in which participants make and display a poster detailing some historical or trivial aspect of their house, featured 90 locations across the city. Neighborhood strollers and power walkers alike could download a map of the sites and plot their own course to read all the entertaining and informative posters.

Sponsored by the Newburyport Preservation Trust, "If This House Could Talk" began as an initiative of NPT member Jack Santos in 2016. Since then, Jack and a cadre of enthusiastic volunteers have propelled the program to its current popularity. A giant "Thank You" goes to every individual who contributed to the event's success, and to our friends at the Newburyport Public Library, the Museum of Old Newbury, and the Custom House Maritime Museum. ■



Preservation advocacy update ...

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Planning Board to consider operable windows in a DOD Special Permit. Public comment that was overwhelmingly opposed to changes to the facade exposed the folly of the Brine restaurateur's claims of the invalidity of the DOD, of health hazards without open windows, and of the city's primary dependence on "culinary tourism." Now, two months later, despite an earlier plea of urgency, the Caswell Group has filed no applications with either the Historical Commission or Planning Board. Caswell's related appeal challenging the validity of the DOD preservation laws – groundless according to the City Solicitor – remains unresolved. On July 27 the ZBA granted its third continuance, to October 12.

Neptune Street #2. Late at the August 10 ZBA meeting, the application for a Special Permit for Non-Conformities for a 19-foot-wide shed dormer on the iconic First Period house was facing certain denial. But instead of taking a vote, the ZBA granted the owner a fourth continuance, to September 28.

The public comment on this case in past months prompted many to lament over the lack of protections for the highly-visible c. 1680 house. Predictably, the case also stirred some property-rights-at-all-cost alarmists.

Although zoning laws allow for a 17-foot-wide shed dormer in this case, the owner began with a plan for 22 feet, then whittled it down repeatedly to see what would pass. Whatever plan surfaces on September 28 will still require a ZBA determination of degree of detriment to the neighborhood.

Institution for Savings. The Land Court case in which the Institution for Savings is (1) appealing the Newburyport Planning Board's denial of its expansion and (2) challenging the very validity of the DOD, is still in its preliminary phase. It remains to be seen just how aggressively the city administration – current or future – will back up its own Planning Board and pro-preservation zoning laws.

Advice to all our fellow preservation advocates: Keep taking your vitamins and eating your broccoli, because when it comes to preservation advocacy, longevity counts. In Newburyport, despite the will of city voters, the resulting pro-preservation zoning laws, and the public's continued participation in the process, preservation remains a long-haul proposition. ■