



# *The Commonwealth of Massachusetts*

*Office of the Commissioner of Banks*

*One South Station*

*Boston, Massachusetts 02110*

JANE SWIFT  
GOVERNOR

THOMAS J. CURRY  
COMMISSIONER

July 10, 2001

Norman B. Williamson, President  
and Chief Executive Officer  
Hyde Park Co-operative Bank  
1172 River Street  
Hyde Park, Massachusetts 02136

Dear Mr. Williamson:

This letter is in response to your letter of May 21, 2001 requesting an opinion from the Division of Banks (the "Division") relative to whether or not a proposed expansion of the main office of Hyde Park Co-operative Bank (the "Bank") located at 1172 River Street, Hyde Park requires branch office approval. This matter was also discussed in a telephone conversation with staff of the Division.

According to your letter, it is the intention of the Bank to expand its main office by relocating its drive-up facilities. As you state, the Bank wishes to expand due to customer demand and space limitations. To accomplish this project, the Bank proposes to demolish its existing drive-up facilities and to relocate these structures to a nearby building currently owned by the Bank. The existing and proposed sites for these facilities are approximately 50 to 75 feet apart on land and buildings acquired 22 years ago by the Bank. That area has been used to create additional parking and drive-up facilities for the Bank. The Bank also seeks to install a full service ATM and a walk-up facility.

As stated in prior opinions of the Division, central to such a request as the Bank's is whether the proposed expansion would, in fact, require approval as a new branch office under General Laws chapter 167C, section 3 since the taking of deposits by a bank must be at an authorized location. These prior opinions stated that the Division in making such a determination would view the totality of all surrounding facts. These opinions concerned, among other facts, the proposed expansion of a bank's main office or branch office by the installation of a drive-up facility on land adjacent to or used in conjunction with the bank's existing main office or branch office. The Division concluded that, based on the totality of all surrounding facts, the banks that requested these opinions did not need to seek branch office approvals for their proposed expansions.



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The Bank's proposed drive-up facility and walk-up facility will be within a building currently owned by the Bank on land which is adjacent to the main office and which provides parking, drive-up, and other facilities for the Bank. All of the land involved is owned by the Bank and will be used for its operations as one parcel.

Upon review of the facts in your correspondence and applicable law, it is the position of the Division that the Bank is not required to obtain approval pursuant to General Laws chapter 167C, section 3 for the expansion. That determination is based on the totality of all surrounding facts as presented in your submission. An investment in bank premises in connection with this matter, may, however, require the Division's approval under General Laws chapter 167F, section 2, paragraph 9. Additionally, approval of the Division may be required for the proposed ATM to be shared under General Laws chapter 167B, section 3. You should review these statutes and, if necessary, submit the separate requests or necessary documents for approvals to the Commissioner of Banks Thomas J. Curry relative to a proposed investment in bank premises or the Division's FIS Unit, relative to the proposed ATM.

The conclusions reached in this letter are based solely on the facts presented. Fact patterns which vary from that presented may result in a different position statement by the Division.

Sincerely,



Joseph A. Leonard, Jr.  
Deputy Commissioner of Banks  
and General Counsel

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