

HISTORIC DISTRICT COMMISSION MINUTES
October 8, 2014 Meeting
Town Council Chambers – 6:00 PM HDC meeting

Present: Kim Balkcom, Chair; Matthew McGeorge, Vice-Chair; Kristen Carron, Erinn Calise, and Andrew Barkley (arrived at 6:35 pm).

Absent: Kingston Fallon.

Staff: Lea Anthony Hitchen, Assistant Town Planner.

Ms. Kim Balkcom, Chair of the Commission, started the meeting at 6:00 p.m.

Ms. Balkcom read the procedures into the record as follows: Each person addressing the Commission will state his/her name for the record. Although the Commission does not generally swear in applicants or their representatives, all witnesses are responsible for providing the HDC with true, accurate, and complete information. The applicant or the applicant's representative shall present the request before the Commission along with arguments and material in support of the application. HDC members will then have the opportunity to discuss the proposal and ask questions which are pertinent to the application. All other persons wishing to speak in favor of or against the application will then be asked to do so. All speakers are asked to avoid repetitive comments and confine their comments to those which are relevant to the application at hand. Cross examination by the general public may be allowed only if the Commission feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all of the relevant facts have been heard, the Chair will call for a motion. Once the motion has been made and seconded, the HDC only will discuss the motion followed by the Chair's call for a vote. Only active members of the Commission shall vote. The alternate will sit as an active member with full voting rights only when a regular member is unable to serve at any meeting. During the discussion among voting members, no further testimony from the floor will be accepted unless specifically requested by a Board member. Every effort will be made to render a decision this evening. The minutes of this meeting will be on file in the Planning Department within 14 days. Certificates of Appropriateness granted this evening will be available in the Planning Department within two (2) days of this hearing. The hearing of any

HDC application which has not yet started before 10:30 p.m. will not be heard this evening and a special hearing date will be scheduled. This rule, however, may be waived by a majority vote of the Commission. All decisions of the HDC are final and legally binding under the authority of Article XI of the East Greenwich Zoning Ordinance and Article 45, Section 24.1 of the RIGL. All decisions of this Commission may be appealed to the Zoning Board of Review.

Ms. Balkcom added the HDC considers local standards as well as Federal guidelines when reviewing applications and noted this is a collaborative process between the Board and the applicant. Ms. Balkcom explained the sequence for review of applications and its helpfulness to understand how the process works before the Board hears the applications. She noted each application is reviewed in of itself; the Commissioners receive the applications prior to the actual meeting in order for each Board member to review the content. The Board members identify properties and character defining features and historical and architecturally significant to the district that are taken into consideration. When applicants come before the Board there is a discussion in order to better understand the project at hand and answer questions that arise. The Board determines the standards that apply; hearing applications in this type of forum allows the Board to discuss alternatives, offer suggestions and provide support for the applicant to hopefully have a successful outcome and possibly save money.

Ms. Balkcom introduced the Board members and Staff present and read the application items into the record.

Historic District Commission Hearings

- 1. River Stone Group, LLC
69-75 Main Street; Map 85 A.P. 1 Lot 235
Replace Windows/Doors and Minor Modifications - Conceptual**

Ms. Balkcom read the standards that apply to the application being 3 and 4. Standard 3 states replacement of missing architectural features shall be based on researched knowledge – demonstrated by the applicant – of their original appearance, substantiated by historical photographs, drawings, or other evidence. Standard 4 states all proposals for additions and architectural changes shall be

appropriate to the original design of the building or to later changes which have historic significance of their own.

Mr. Patrick Merner and Mr. Andrew Marr of River Stone Group, LLC represented the application.

Considering the application was conceptual, Mr. McGeorge did not have any problems with the application. He was curious to know where the outdoor patio will be located. Mr. Merner explained the patio will be on the left elevated side of the building. Mr. McGeorge stated the application “talks the talk” but this structure is such an important building – when the Applicant returns for the final submittal the HDC will be sticklers on submission requirements; no loose sketches or renderings. The HDC will need details, cut sheets, very specific materials to be used in order to make the application correct and final would be worth the effort so the conversation does not go around in circles considering the restoration is very expensive. Further, he suggested when the Applicant gets to final submission to state exactly what you plan on doing to the property, not what it could or should be; the more authentic, the better.

The other Commissioners unanimously agreed with Mr. McGeorge and overall liked the proposed plan.

Ms. Hitchen noted the Town’s Technical Review Committee reviewed the plans on October 7th and the Fire Marshal in particular had concerns about the proposal meeting fire codes; he suggested hiring a code consultant before moving further into the project. Mr. McGeorge confirmed that hiring an architect and code consultant was a smart move in the long run.

2. Nelson Niles
136 Spring Street; Map 82 A.P. 12 Lot 171
New Construction and Minor Modification - Conceptual

Ms. Balkcom reviewed the standards that apply to the application being 4 and 5. *Standard 4* states that all proposals for additions and architectural changes shall be appropriate to the original design of the building. *Standard 5* states new construction includes substantial additions or modifications to the exterior of existing buildings. The design of new construction need not be an exact or modified copy of historic styles and could be totally different in concept.

However, all proposals for new construction shall be compatible with the surrounding buildings in size, scale, materials and siting, as well as with the general character of the historic district.

Ms. Balkcom noted there is a note in the staff report asking whether the existing garage is to remain. Mr. Niles stated although it is not historical, the existing on-car garage will remain.

Ms. Balkcom commented that the new driveway off Spring Street and front door look really nice.

Summarizing the application, Ms. Balkcom confirmed the Applicant would like to construct a 3-car garage to be located off of Mawney Street. The Commissioners noted there were a few other 3-car garages in the district but not many.

Mr. McGeorge commented that he has no issues with the entrance component of the application as it is nicely detailed. As for the garage, Mr. McGeorge did not have any problem with the garage since it was a conceptual idea although maybe a little too massive but there seems to be enough of an opportunity to maintain or replant vegetation.

Mr. Niles explained that he had the back portion of his lot cleared due to neighborhood dumping and he had to make it known that someone owned the property. He plans to install a split-rail fence, drive-way, landscaping and construct the garage where it can hardly be seen. He added that all the vegetation will remain at this point except for 2 dead trees.

Mr. McGeorge questioned if any further site planning will be considered as the garage in its current location is positioned in the middle of the property; he suggested pulling it closer to the street to regain yard area. Mr. Niles commented that there is a lot of area in the rear and is appreciative of the suggestions since the site plan makes the proposed garage appear so far away from the house; an accurate site survey is in process.

Mr. McGeorge stated that the proposed garage may dwarf the house in a way in which the Applicant may want to keep the garage away from the house; he noted that a height variance may be required. Other comments from Mr. McGeorge is

that he prefers to see no vinyl and the siding does not necessarily have to be western red cedar and it could be a combination of cedar/shingles and/or clapboard but he definitely would not approve the use of vinyl.

Mr. McGeorge questioned the use of the existing one-car garage. Mr. Niles explained that although he recently downsized homes he did not downsize the amount of furniture; the existing garage will be repaired and turned into an outdoor room for the grandkids.

Mr. McGeorge questioned the need for a three-car garage and asked if a two-car garage would be sufficient. Mr. Niles asserted that he currently has a couple of cars in storage.

Mr. McGeorge stated that conceptually the plan is fine; he suggested reviewing the siting, scale and location a little more. His concern is not necessarily hiding the garage from the street; if it is detailed well it can add to the streetscape, blend in with the neighborhood, and enhance the property - by pushing the garage back is counter to that.

Ms. Balkcom commented that the existing front door framing is not original and recalls seeing the original from a prior staff report. Ms. Hitchen stated she would try to find the original and send to the owner.

3. Brian Morris
55 Greene Street; Map 75 A.P. 3 Lot 5
Reconsideration of Previous Final Approval (Windows)

Mr. Terrance P. Morris of Newton, MA was present representing his younger brother Brian Morris, who was unable to be present. Mr. Morris recognized his brother has contributed and created part of the situation as to why he was present this evening. Mr. Morris explained his own background, being a land use lawyer for over 40 years and specializing in preservation and his sensitivities are generally with boards and commissions. He added that he appreciates the work the Commission does as he too is a preservationist at heart. Mr. Morris noted that he was present to dispel the notion that his brother has done something intentionally to deceive the Commission. He explained Brian Morris' previous careers and family background and that he is well grounded in the East Greenwich community. Mr. Morris confirmed that there have been only three

occasions where Brian Morris has been in front of the HDC: his own home on Somerset Street which was a gut rehab; another rehab project on Spring Street not requiring window replacement in 2005 and this Greene Street project. This being the first time Brian Morris had to deal with window replacement. Mr. Morris acknowledged the plans specified a full divided lite, 400 Series and that any changes would have to be approved by the Commission. He also acknowledged the fact that there were changes made and his brother did not come back before the Commission to get approval for those changes. Mr. Morris explained the reasoning behind that – Brian Morris was fully committed to renovating the property as he had a care and devotion from the beginning but these types of projects can be economically marginal by the very nature of the work as you never know what one will find once you get into the home. Fortunately for Brian Morris, explained Mr. Morris, he did have a client who was interested in purchasing the home but they had limitations on what they could afford. In order to close the deal, Mr. Morris stated that Brian Morris foolishly looked at the windows as an to save money and chose a window which he thought would still be functional and he installed it; his only frame of reference was to look around at the other homes in the area – he noticed there is no uniformity with window fenestration and hard what is original.

Mr. Morris advised that the Commission is the judge and jury and he and his brother are simply looking for some compassion and middle ground in whether the Board would allow Brian Morris to replace the upper sash of the windows with a simulated divided lite that would give essentially a look from the outside and inside as a full divided lite unlike now which appears like a sash sandwiched between the panes of glass. He added that this is a project that Brian Morris would like to finish as he concludes his affairs so his wife does not have to take over any unfinished business. Mr. Morris noted that he has been on both sides of the table and has had to exercise compassion on the numerous boards he has sat on and hopes the Board considers allowing both parties to reach an agreement.

Ms. Balkcom stated that vinyl is an inferior product that should never be used in a historic application. With that being said she noted that Brian Morris is well aware of that as far as she is concerned. She commented that even though he has had three projects before the HDC he has actually been in front of the Commission on at least 10 occasions to get those 3 projects approved. In her experience with Brian Morris, she added that he is not always the easiest person

to work with and a lot of times he comes with his back up assuming the Commission is not going to approve his application and/or give him a hard time. Ms. Balkcom added that she has even come to his defense several times with this most recent application – the Commission has standards to uphold and there had already been compromises to those standards, specifically allowing replacement windows in the original structure. It is not that the Commission does not understand that issues arise during a renovation but “buyer limitations” is not an HDC problem according to Ms. Balkcom. She added that the windows were something the HDC was very specific on and Brian Morris knows the process as he has been before us; he intentionally installed an inferior window that the HDC did not approve. In summary Ms. Balkcom noted that at the end of the day Brian Morris knows the process which is the most frustrating part.

Mr. McGeorge expressed sympathy to Mr. Morris and his family for having to go through a difficult situation. He explained his original position and one cannot create the precedent of allowing the decisions of the Commission to be written off. He recalled being on record suggesting a compromise to replace the upper sash with a 200 Series with a simulated divided lite, at a minimum, and not a true divided lite. At this point, he added that he cannot go against his original opinion from the last meeting. Mr. Morris clarified that what he is requesting is exactly at the suggestion of Mr. McGeorge – to replace the upper sash with a 200 Series simulated divided lite.

Mr. McGeorge stated he would stick with his original position and approve the revised application because it provides for shadow lines, exterior and interior muntins even without a spacer bar. He reiterated that he would not go back on his word but noted the decision of the Commission is not unanimous.

Mr. Morris stated that the simulated divided lite appears to be middle ground and all he is asking for although he was confused by someone mentioning that it could not be done. Mr. McGeorge clarified that the retrofit cannot be done as a true divided lite option; the 200 Series does not offer the true divided lite. Mr. Morris agreed with that statement.

Mr. McGeorge expanded upon his point noting that there is the divided lite which is between the glass and is not available; the simulated divided lite has exterior and interior muntin profiles which the Commission will never approve again and should not be approving at all but in this case considering the

windows have already been installed and can be retrofitted on the 200 Series windows. The 200 Series cannot be made with the spacer bar and the 400 Series sash cannot be retrofitted into a 200 Series window – therefore the only solution in this situation is a simulated divided lite. Mr. McGeorge reiterated he did not want to go back on something he originally compromised so he would reluctantly approve the application. Mr. Morris noted he was under the assumption that the 200 Series, which are currently installed can be replaced with a 200 Series simulated divided lite. Mr. McGeorge confirmed his assumption was correct.

Mr. McGeorge explained Anderson has three muntin options: the fake option; the intermediate fake half real option; and the realist option without doing a custom wood true divided lite window.

Ms. Balkcom commented that she misunderstood and thought the existing 200 Series could not be retrofitted with either one. Mr. McGeorge recapped his understanding that it can be retrofitted with a simulated divided lite but not a true divided lite; the exterior profile on the replacement upper sash will have a profile, shadow line with reasonable profile.

Ms. Carron questioned if the existing sash will come out and be replaced with a new sash. Mr. Morris replied yes, the entire upper sash will be replaced.

With no further questions or comments, Ms. Balkcom asked for a motion.

Mr. McGeorge made the following findings of fact:

- 1) A written application has been submitted by Greene Street LLC.
- 2) The property in question is located within the East Greenwich Historic District.
- 3) The structure in question is a contributing building; it is representative of a c. 1852 Late Greek Revival.
- 4) The building does contribute to the historic and architectural significance of the district.
- 5) The work proposed by the applicant would improve the character defining elements of the existing building.

Motion by Mr. McGeorge to approve the application for a Certificate of Appropriateness at 55 Greene Street to replace the installed 200 Series upper

sash with the simulated divided lite 200 series retrofit. This is consistent with Commission Standard #8 which states that original window sashes can usually be repaired and retained. In the event that a window sash must be replaced the replacement shall match the original in size, operation, materials, configuration, number of lights, muntin width and profile.

Seconded by Ms. Carron.

VOTE: 3 – 2 (Ms. Balkcom and Ms. Calise opposed).

Historic District Commission Business

- 1) MINUTES: Action on the minutes of the July 9, 2014 and September 10, 2014 meeting.

Motion by Mr. McGeorge to approve the September 10, 2014 minutes.
Seconded by Mr. Barkley. Approved 5 – 0.

July minutes tabled to November due to lack of quorum to vote.

- 2) Commissioner Comments/Other

Ms. Balkcom commented that the garage door at 15 Church Street appears to have been altered.

Motion to adjourn by Mr. McGeorge. Seconded by Ms. Carron. Adjourn at 7:05 p.m.

For additional information, please contact the Planning Department.
Respectfully submitted by:

Lea Anthony Hitchen, Assistant Town Planner