

**HISTORIC DISTRICT COMMISSION MINUTES**  
**September 10, 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.

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. She 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. All applications can be appealed to the Zoning Board of Review. Ms. Balkcom added that each application is reviewed in of itself.

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

Historic District Commission Hearings

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

Mr. Brian Morris, the Applicant represented the application. He explained that he has been ill since the beginning of June and the focus has been on his health therefore this is the first chance he has had to physically be able to deal with this concern. Mr. Morris asserted that his intention to switch from the Anderson 400 Series to the Anderson 200 Series was strictly to keep costs within reason for a prospective buyer noting the Anderson 400 Series windows are nearly double the price making it difficult for his buyer to commit. Visually looking at the exterior features of both windows series Mr. Morris admitted he made the unfortunate decision to purchase and install the 200 Series windows as well as the rear vinyl slider. Mr. Morris hoped that the HDC members would visit the property and see the work he has done and that the exterior features are insignificant, especially from 15 feet away which is the general distance from a typical passerby. He noted that he brought along the two window samples, both the 200 and 400 Series. Mr. Morris advised that he has worked hard on this project and due to time constraints his hope is to be able to come to some compromise.

Mr. McGeorge stated that the fundamental issue is the grille configuration and suggested retrofitting the exterior grille configuration. He noted the problem lies with the grille configuration specification, meaning not whether it is a 200 or 400 Series window or whether the window is a 6/1 or 6/6 configuration but the actual installation methodology. Mr. McGeorge stated the installed window should have been a full divided lite version – if the 200 Series offers the full divided lite option then that is all that is important noting that the critical issue about the appearance of windows in the district is the exterior profile because otherwise it will look fake. He added that it was a big enough compromise to allow the Anderson 400 versus something else but part of that compromise is that final grille formation – he reiterated that it is not a 200 vs. 400 Series problem but what was installed.

Mr. Morris stated that 71 Greene Street has the 400 Series windows installed.

Ms. Balkcom noted the Commission is not here to discuss 71 Greene Street as it is completely irrelevant. She stated that Mr. Morris stood in front of this Commission and said the following at a prior meeting: “Mr. Morris stated that he wants to be very specific about certain things because he did not want anybody to come by and say that is not like what we saw on the plans.” She added that Mr. Morris stood in front of us and gave the Board a lovely color booklet of his “Nest Egg” which was fantastic but he stood here on his reputation and told us he was were installing the Anderson 400 Series. She did not care whether the windows were a buyer issue as that is not an HDC issue. Ms. Balkcom asserted that Mr. Morris put in a different window – he did it on purpose – and he thought he was going to get away with it – and he is not.

Mr. Morris asked if Ms. Balkcom has a vendetta against him. Ms. Balkcom stated absolutely not; in fact she has stuck up for him in previous meetings but she was not going to sit here and waste her time arguing about how this looks from 15 feet away – facts are facts; the window installed is a different window than what was told to the Commission.

Ms. Calise recalled that at a prior meeting Mr. Morris drove all the way to Connecticut to show and display to the Commission the Anderson 400 Series window he planned to install.

Ms. Balkcom reiterated through approved minutes that she would not approve a vinyl window. Mr. Morris said Ms. Balkcom did not know what she was talking about since both series are vinyl.

Ms. Carron stated that in her opinion Mr. Morris has been a resident of the historic neighborhood for a long time, he has redone his house, he has redone other houses in the neighborhood and he should know the rules. She added that he should know that if he came before the Commission and he says this is the window he is putting in and he puts in a different one; he knows it is wrong. She felt like the Commission was lied to. Ms. Carron noted that Mr. Morris stated he was going to install the Anderson 400 Series and he put in the 200 Series and he knew it was not right and it was against the rules; having lived in the neighborhood long enough she felt as though Mr. Morris knew what he was supposed to do.

Ms. Calise agreed with Ms. Carron and added that Mr. Morris further installed inferior windows in the basement.

Mr. Morris stated that somebody told him to bring a lawyer but he did not because he thought that was a slap but he told the Commission that if this becomes an issue he was not going to stop at zoning.

Ms. Carron commented that the Commission does not need to be threatened. Ms. Balkcom pointed out that it was Mr. Morris that has made it an issue.

Mr. Morris stated that he did not threaten the Commission; he has lived in the district for 15 years and told the Commission to listen to him – the Commission has issues that are not even dealt with such as plastic fences everywhere including a plastic fence owned by the Town of East Greenwich that is the most disgusting looking thing – it is an abortion.

Ms. Carron asked Mr. Morris not to use that term. Ms. Balkcom noted he meant abomination and commented that the Commission is not here to discuss fences and she is under the impression the request is going to be denied. She asserted that she stood behind her original approval for the Anderson 400 Series.

Mr. Morris asked where the compromise was and if he was going to have to tear out every window in the house. Ms. Calise commented that it would not be a compromise but the Applicant living up to his word.

Mr. McGeorge asked if the sashes could be retrofitted noting the compromise is retrofitting the sashes with the full divided lite option at a minimum with the simulated divided lite option. There is no appearance of division on the sashes from the exterior; not only do the windows we approved technically do not meet the standards but it was new construction but minimally significant and so the Commission compromised in the spirit of a reasonably affordable window in the historic district but the sashes that were ultimately installed did not meet either the approval or the intent of the historic district. The Commission is not saying you have to rip them all out but it is going to cost you, against the approval of the HDC, so the compromise is maybe there is a tradeoff of the reinstallation of either the sash which could be retrofitted. He stated that he did not mind the 200 Series sash provided that it preferably has a full divided lite with a spacer bar. He noted theoretically during daylight conditions shadow lines are a very

important detail which the 200 Series does not create. For clarification purposes, Mr. McGeorge explained that due to the window configuration being a 6/1 pattern and there being no divisions in the lower sash, Mr. Morris would not have to replace the lower sash, just the top sash.

Ms. Calise recalled the original conversation from November 2013 about the windows by former member Steve Tyson who suggested using the 400 Series in the original part of the home and the 200 Series in the new addition to which Mr. Morris was not favorable to using two different styles of windows.

Mr. Morris asked that if he were to replace all of the sashes if he could receive a certificate of occupancy. Ms. Calise noted that the Commission has yet to discuss the basement windows and rear slider.

Mr. McGeorge stated that the decision is not unanimous; his opinion at making a compromise at this point is at a minimum is to provide a simulated divided lite sash where there are actually divided lites in the window universally across the house, whether it be in the house, basement or slider.

Mr. Morris believed Mr. McGeorge's suggestion to be a fair compromise and something he was willing to do as it definitely beats fighting city hall.

Ms. Carron questioned the type of windows that were installed in the basement. Mr. Morris stated that if the Commission recalled we specifically talked about the windows in the basement and he stated that he was not going to put anything fancy in the basement but was not going to install a Home Depot window either; those windows were custom ordered to fit the holes that were there from Lockheed windows.

Ms. Carron commented that the only issue she had, referring back to the March meeting minutes was that Mr. Morris stated that he was going to replace ALL of the windows in the house with the Anderson Woodwright 400 Series 6/1 windows; she could not find anything in the minutes that distinguish the basement windows being different.

Mr. Morris recalled that the conversation was had there about the basement windows and he remembered it being discussed. Ms. Calise asked when it was discussed. Mr. Morris said in March. Ms. Calise comment apparently not. Mr. Morris stated then it was not written down. Ms. Balkcom verified that Staff takes excellent notes and the only conversation regarding the basement windows if at all was the pane configuration is generally different than that of upper level floors.

Mr. Morris asked the Commission if they wanted him to reinstall the old windows because he would; he would simply go to Home Depot, get wood windows and stick them in there and paint them; they would not open or do anything. Ms. Balkcom commented then they would not be the old windows.

Mr. Morris said no, the old ones did not open as he has those at his house nor did the side basement windows either.

Ms. Carron inquired about the rear sliding door as that too was also something that was installed but not approved by the HDC. Mr. Morris explained the HDC approved a Therma-Tru slider but the Therma-Tru company stopped making the approved slider when he went to order it. Long story short, the Therma-Tru is once again available so Mr. Morris has since ordered what he originally approved for and the Anderson Silver Line slider will be replaced with the Therma-Tru when it arrives.

Ms. Balkcom asked if the basement windows are the Anderson 200 Series window. Mr. Morris confirmed the basement windows are a Lockheed brand and are custom made with a wood trim which are not visible. He suggested that if the HDC wants he would take out the basement windows and fill them in because they do not serve any purpose anyway – watch him do it tomorrow because he would be thrilled to get them approved.

Mr. McGeorge felt as though he made his position clear that there is a compromise solution with the true divided lite; at this point the SDL would be a strong compromise – it needs the profile on the exterior. Period. That is the minimum requirement. There is no forgiveness on it but the compromise is that the Applicant does not need to rip out all the windows but just needs to replace the sashes with divided lites. With regard to the basement windows – it would be preferable to see a divided lite, a true divided lite.

Ms. Balkcom commented that this point has already been discussed being that windows in the original structure versus windows in the addition.

Mr. Morris commented that the subject house is not some historic house. Ms. Calise noted that it was not the point. Ms. Balkcom affirmed it is a contributing structure to the district.

Mr. Morris asked if all the board members live in the district to which everyone responded in the affirmative. He stated that he is willing to make all the compromises the Commission is requesting.

Ms. Balkcom asked Mr. Morris if he was willing to make all the compromises the HDC was asking for considering the Commission would have loved for him to have installed the windows he said he was going to put in.

Mr. McGeorge acknowledged that the actual Commission standard states that the HDC would have required that Mr. Morris install wood windows with true divided lites which theoretically would cost about \$2,000 a unit; this is why this is a ridiculous level of compromise; this is why the Commission does not want to hear it and why there is no sympathy.

Mr. Morris said he understood but commented that he himself is in tough shape and it is not about the windows.

Mr. McGeorge advised that it was Mr. Morris who made the decision to install the incorrect windows; it is not the Commission's problem.

Mr. Morris admitted again and in his submitted letter that he was not happy with his decision; he should have told the people that it was \$11,240 more either take it or leave it.

Mr. McGeorge reiterated that the rear slider is in the process of being replaced and is no longer being reconsidered. Mr. Morris confirmed that it is correct. Ms. Hitchen confirmed that it is being replaced with a Therma-Tru slider.

Mr. McGeorge commented the Commission can take the same position on the basement windows in that they need to be either a single lite or a true divided

lite. Referring to the windows if it was a nondivided lite he would have less of an issue with it.

Mr. Morris questioned if he was okay with just making the basement windows clear glass. Mr. McGeorge noted he was fine with clear glass but it was not his sole decision.

Ms. Balkcom stated technically Mr. Morris is requesting approval for the Anderson 200 Series. Mr. McGeorge remarked that Mr. Morris is asking for a reconsideration so the HDC would be making a motion to decline and then come up with a compromise decision. Ms. Carron wondered if Mr. Morris is asking for a reconsideration with the 200 Series the Board could approve it with the condition that there be divided lites. Mr. McGeorge was of the impression that could be dangerous from an enforcement standpoint since it may never be implemented. Ms. Balkcom added that then the Anderson 200 Series ultimately stays. Staff noted that it could set a precedent. Mr. McGeorge explained the two windows essentially have the same cladding materials, core materials, the polar options are reduced, fewer options available and slightly different quality construction. He stated that he would not approve a 200 Series window; the HDC did not approve a 200 Series window and the Commission would be within the rights to decline the application – no matter how it appears he asked if there could be a precedent to be set. Mr. McGeorge affirmed there are always certain circumstances where there maybe is an opportunity to work with an applicant.

Mr. Barkley insinuated that at this point the Commission would be making a compromise to a compromise which still does not make the situation right.

Mr. McGeorge stated the Commission could simply just decline the request – the Commission could simply say we don't want to set a precedent which could just continue to go downhill for future applications.

Ms. Balkcom added that the next person could stand in front of this Commission and say “well 55 Greene Street did it, why can't I.”

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

Mr. McGeorge made the following findings of fact:

- 1) A written application has been submitted by Brian Morris.
- 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 remove the character defining elements of the existing building and neighborhood.

Motion by Mr. McGeorge to deny the application for a Certificate of Appropriateness at 55 Greene Street. 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. Calise.

VOTE: 5 – 0.

**2. Clinton Gardiner  
110 Division Street; Map 85 A.P. 1 Lot 273  
Minor Modification, Replace in Kind - FINAL**

Ms. Balkcom reviewed the standard that applies to the application, being #4 which states that 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.

Ms. Balkcom confirmed that the Applicant is replacing the back stairs to code. Mr. Gardiner affirmed that is the situation. Ms. Balkcom stated that she did not have any issues with the application considering it is essentially a replacement in kind application.

Mr. McGeorge agreed, noting the Applicant simply has to bring the stairs up to safety codes.

Staff noted that the Applicant was aware of the Building Official's comments and he would comply when the new steps are constructed.

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

Ms. Carron made the following findings of fact:

- 1) A written application has been submitted by Clinton Gardiner.
- 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. 1840 Early Victorian.
- 4) The building does contribute to the historic and architectural significance of the district.
- 5) The work proposed by the applicant would not affect the character defining elements of the existing building and neighborhood.

Motion by Ms. Carron to approve the application for a Certificate of Appropriateness at 110 Division Street. This is consistent with Commission Standard #4.

Seconded by Mr. McGeorge.

VOTE: 5 – 0.

### **Historic District Commission Business**

- 1) MINUTES: Action on the minutes of the July 9, 2014 and August 13, 2014 meeting.

Motion by Ms. Carron to approve the August 13, 2014 minutes. Seconded by Mr. Barkley. Approved 5 – 0.

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

2) Commissioner Comments/Other

Ms. Balkcom commented that Staff put together an excellent staff report for this evening's meeting.

Motion to adjourn by Mr. MGeorge. Seconded by Ms. Carron. Adjourn at 7:00 p.m.

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

Lea Anthony Hitchen, Assistant Town Planner