

HISTORIC DISTRICT COMMISSION MINUTES
September 9, 2015 Meeting
Town Council Chambers – 6:00 PM HDC meeting

Present: Kim Balkcom, Chair; Matthew McGeorge, Vice-Chair, Gregory Maxwell, Kristen Carron, Lauren Drury, Andrew Barkley, and Erinn Calise.

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 and noted the one application to be heard is for a complete demolition therefore the procedures this evening are a little different than the typical application procedure due to it being a demolition. She explained that she will talk about the subject lot first. She also noted that there is a stenographer this evening so it is very important that everyone speaks clearly into the microphone.

Ms. Balkcom introduced the Commissioners and Staff. The first item to review is the procedure for this evening. Demolition review procedures are different than the average application. A preliminary public meeting is held to determine the architectural and historic significance of the structure and its contribution to the Historic District and to determine whether to accept the application as complete. Ms. Balkcom noted the Commission is not here to decide this evening to approve or deny the application; we are here to decide whether we are going to accept the application as submitted at this point.

Ms. Balkcom went on to explain the HDC will first determine whether the structure proposed for demolition is 1. Contributing to the significance of the Historic District and valuable to the town, State, or nation; 2. Contributing to the significance of the District and valuable for the period of architecture it represents or to the District; or 3. Non-contributing to the significance of the District.

Ms. Balkcom stated the HDC uses its own judgement in making determinations of architectural and historical significance and they call upon expert witnesses.

Applicants may also present testimony as to the significance of the structure. Then the HDC shall determine whether sufficient information has been submitted with the application to allow thorough review and whether all alternatives to demolition have been considered. If the HDC finds that all documentation is complete and all alternatives to demolition have been considered, it will vote to accept the application and schedule the application for review at the next regular meeting, which will be four weeks from tonight (the October meeting). If the application cannot be accepted because additional information is needed, then the preliminary meeting will be continued until the next regular HDC meeting or until such time as the additional information can be submitted. The application is considered formally accepted as of the date of the vote to accept.

Ms. Balkcom explained that she will now call upon the Applicant. She will review the standard that applies to the application and allow the Applicant to speak to the application. She will then begin by making a statement and will open up the discussion to her fellow HDC members. After that point the public will have the opportunity to speak.

**1. The Division Group
1727 Division Road; Map 79 A.P. 12 Lot 86
Complete Demolition– FINAL**

Mr. Philip Noel, spokesperson for The Division Group, represented the application. Mr. Noel thought it was important to put on record the history of how the Division Group acquired the property; the Group was formed in order to purchase the BIF building property. At some time the 30 acres, that is now behind this subject house, was part of the BIF tract of land so on what would be the eastern side of this tract of land, they built the BIF building, and then that same corporation continued to own this 30 acres.

Mr. Noel noted that this group was formed to purchase the BIF building, which was going out of business, and we entered into sales agreements and then before we closed, one of the partners decided that he alone would like to be the one to own and redevelop the BIF building. So when we sat down to settle those issues, this partner ended up owning the BIF building and our interest. Mr. Noel noted that when he refers to “our” he is referring to The Division Group’s

interest. And he purchased our interest by putting some cash on the table and also deeding the 30 acres that are behind this building to our group.

Mr. Noel stated also present this evening are Mr. Ed Capozzi and his son Mr. Ned Capozzi who are the majority owners in this group while he himself is a minority owner. Mr. Noel mentioned that Mr. Jeff McGovern who is also present is a minority owner as well.

Mr. Noel explained in our deed, from the partner who ended up owning the BIF building, to access of 30 acres through the parking lot on the west side of the BIF building. However, that was not really feasible so the Rockefeller House (at the time this property was owned by the Rockefeller family). The Rockefeller house was for sale; Mr. Noel said he went to look at the house, and we purchased the house, not knowing, did not have any thought that it was a historic building. There was nothing in the title search that designated that the building was historic. Mr. Noel stated that when he looked at the building he knew that it was a building that really could not be rehabilitated.

Mr. Noel went on to say at the time this building was purchased which was about 22 or 23 years ago, in the cellar, the entire sill on the south side was rotted with rot from water damage but also from insects, whether they were carpenter ants or termites – he was not 100 percent sure since he does not have that type of expertise. He could say for sure the sills around this house were rotted but more importantly the floor joists were rotted and those floor joists were being held up and still are by temporary steel adjustable columns.

Mr. Noel was aware the Commission has said they would like to go in and view the subject building and he would like the Board to do so because you have to see the condition of the sills and the floor joists in this building to understand that there will be several with the opinion that this building cannot be saved. And he of course has felt this way since the day it was purchased.

Mr. Noel noted that after the purchase, the Rockefellers stayed on as tenants for several months and then moved. Mr. Noel's daughter Linda who was in the local real estate business was given the task of finding another tenant and she did but the tenant did not last. The tenant complained about smells in the building. Mr. Noel said one cannot have that much moisture and rot in the basement of

any building and expect to have a good, wholesome atmosphere on the first floor at least.

Mr. Noel commented that he has never been an advocate of putting people in the building because he thought that although there was no sign of any mold on the first or second floors, his concern has always been with that moisture in the cellar, there has to be a mold issue in the basement – that is his layman’s opinion, it may not be so.

Mr. Noel said there was one other tenant that came into the building; he was an undesirable and did not pay the rent that ended up moving out and then the building went vacant. He noted that when the building went vacant, the owners have had a series or really serious problems including being vandalized on at least three occasions, all of these occasions have been reported to the East Greenwich Police Department by Ed Capozzi who was the one that was keeping track of what was going on. He added that the plumbing has been taken as well as the furnace. Mr. Noel said a new furnace is in that house. Anything that was salvageable has been taken. The owners tried to keep the building boarded up noted Mr. Noel.

Mr. Noel noted that when Mr. Capozzi appeared before the Commission to have a small side building razed, at that time he discovered for the first time that the building was considered to be a historic place. He added for the first several years we did not have that knowledge.

Ms. Balkcom noted she was going to review the standard that applies to this application which is #9 and states the following: demolition shall only be acceptable provided it would significantly benefit the town, would serve the greater interest of the community as a whole, and that there are no alternatives to demolition available. Demolition shall not result in a significant threat or loss of an historic and/or architectural resource to the town, state or nation. In addition to the local standard, the Federal Department of the Interior Secretary, Standards for Rehabilitation Guide notes that the following are not recommended: removing or relocating historic buildings or landscape features, thus destroying the historic relationship between buildings, landscape features, and open space. Removing or relocating historic buildings on the site, thus diminishing the historic character of the site and complex. Failing to maintain site drainage so that buildings and site features are damaged or destroyed.

Permitting buildings and site features to remain unprotected so that plant materials, fencing, walkways, archeological features, et cetera, are damaged or destroyed. Failing to provide adequate protection of materials on a cyclical basis so that the deterioration of building and site features result. Failing to undertake adequate measures to assure the preservation of buildings and site features. Ms. Balkcom added there is also something else to consider – a term used to describe a situation in which a property owner intentionally allows a historic property to suffer severe deterioration potentially beyond the point of repair – it is called “demolition by neglect.” She noted that property owners may use this kind of long-term neglect to circumvent historic preservation regulations.

Ms. Balkcom argued that sometimes demolition by neglect occurs when an owner essentially abandons a historic property. More often neglect is an affirmative strategy used by an owner who wants to develop the property. The context in which the issue is raised depends on what action the town decides to take, if any.

Mr. Noel stated when it comes to demolition by neglect, if someone was to be charged or accused of that in this instance; it would be someone that owned this property well prior to the time that we acquired it. He said that he has great respect for Mr. Ed Capozzi – Mr. Capozzi’s family and his family has been very friendly for years. However he has an enormous amount of real estate experience; since he has been out of public life he has developed real estate in six states and he has restored buildings and have had buildings moved. Mr. Noel admitted that he was not an expert when it comes to moving buildings but he knew how it’s done because he has watched them move buildings that he owns.

In order to move this building or to save this building, Mr. Noel explained it has to be lifted so that new sills can be put under the structure. The way they move buildings is holes are punched in the foundation and put steel beams under the sills. The sills are the timbers that are resting on the foundation. Then they put the dollies under the steel beams and raise the building; essentially the building is being moved on steel beams resting on the beams of the sills. Mr. Noel said there are no sills that are capable of that in this building and there were none when we acquired the building.

Mr. Noel suggested there was another way that a building can be saved which has rotten seams which is by supporting the structure from the outside, putting

pressure on the building and then lifting the building. He did not think that can be done here because when the building is lifted the floors are going to fall out. And when the floors fall out the building will implode. Mr. Noel admitted he was not an engineer but that was his opinion.

Mr. Noel was of the opinion when the structure was purchased that there was no economically feasible way to save this building. He added there was an engineer who examined the building; in his report he mentioned the temporary steel adjustable columns were holding up the floor joists in the cellar of this house. Mr. Noel noted that during a rainstorm or during the wet season there will be a river of water running out of the southeast corner of this foundation. He added that right now there is about four or five feet of water in the cellar and there was a wet basement when it was purchased. He noted they had to have kept the water out of the cellar with some kind of a pump because ever since we have owned it we have had problems with water in the basement.

Mr. Noel acknowledged that since the building went vacant, the roof has further deteriorated which has added to some further damage on the second floor of the property. He added that there is no way that he can stand here and say that we continue to pour money into this building to stop those leaks. Mr. Noel said we fixed the roof on more than one occasion; we have spent a lot of money trying to maintain this property but it is of no use.

In closing, Mr. Noel said he would like every one of the Commission members to visit the property, provided that you are willing to go into the basement and look at the bones of the structure, the sills, the rotted floor joists, so you have an understanding of what engineers are going to say when they come before you. He also implored the Board to have their own engineers go in the building and look to get their opinion. He asked if the building can be saved. And if it can, should it??? If it can be saved let them give an estimate of what they think it would cost to save it and then all of the information would be available for the board members, not just testimony from our people but people that you hire and send in there so that everyone will have their own view of whether this building is worth saving.

Ms. Hitchen asked Mr. Noel to speak more about the BIF property. Mr. Noel explained a group was formed to purchase BIF but before we closed one of the partners decided he wanted to go it alone. He paid us money to leave the

venture and he deeded these 30 acres to us at the time he closed on the purchase of the BIF building. So the BIF building was owned by Mr. Wasserman and we ended up with the 30 acres and then our group purchased the subject property.

Ms. Balkcom stated when the Commission reviews applications we follow the standards and federal guidelines as mentioned earlier. This application, however, in her opinion, warrants a little history. She was the sole member on the Board who was here in 2009 when The Division Group was granted permission to demolish two out buildings. She is sure you have heard the old adage: Fool me once shame on you, fool me twice – she did not have to finish the sentence because she does not want it to happen again. In 2009, Ms. Balkcom explained The Division Group came before this board seeking approval for demolition of two out buildings. It was stated when the property was purchased in 1989, actually Mr. Capozzi stated he was only interested in the land because it provided access to approximately 31 additional acres in West Warwick. Subsequently, he found out that it was historically zoned, and therefore, protected.

Ms. Balkcom went on to say that at that same meeting, you denied any intent to eventually demolish the main structure, and you were ultimately granted approval with the condition that, and she quoted, “the site be cleaned up and the main house be kept stabilized until ownership can be transferred to some entity willing and able to invest in some rehabilitation.” Instead, the house has been vacant for the better part of the last 25 years gradually falling into disrepair. Along with your application, Ms. Balkcom noted that there is a structural engineer’s report deeming the property a constructive total loss, even recommending that it be condemned and demolished as soon as possible. She also saw several photos of the interior as well as the exterior in an attempt to support these recommendations. Ms. Balkcom also saw the included copy of a letter to Mr. Wayne Pimental informing him, not requesting permission, that a chain link fence has been installed complete with warning signs cautioning all persons not to enter the house which is unsafe and condemned to be demolished.

Ms. Balkcom suggested that what the Applicant does not have along with the application is credibility. She said you agreed with the Commission that the demolition of the two out buildings would increase the odds of resale. In the past six years she has not seen a For Sale sign on the property, nor has she seen a real estate listing for the property. But at the time, why would we have doubted

your intentions; after all you are the Chairman of Modern Design Construction, formerly Modern Industry. It has an impressionable list of projects, some historic properties, the Hope Club in Providence, the International Tennis Hall of Fame in Newport, and several buildings at Harvard University in Boston and Yale University. She went on to say that the Applicant must be familiar with the importance of historic preservation in our state and you must be familiar because she was pretty sure you are somehow related to Elizabeth Capozzi who is Chairman of the Rhode Island State House Restoration Society and a Trustee of Preserve RI. Ms. Balkcom noted that in her nearly ten years on this Commission she has found that a majority of the applicants fall into two categories: those who truly intend to contribute to the ongoing preservation and restoration of the properties that make up the fabric of this great Town, proud to be stewards of these homes, buildings, and stone walls that have stood the test of time, and those who are motivated by monetary gain. She apologized if the Applicant took her comments as a personal attack, but their actions, or lack thereof, have waged an attack on the Andrew Briggs House for the entire Town to see – imagine if walls could really talk. Ms. Balkcom reiterated what she stated was her own opinion, and she spoke for herself and not the Board and believed that this application is not complete.

Ms. Balkcom commented there were a few contradictions between what the Commission has on record from the last meeting in 2009 and what Mr. Noel stated as she did not recall Mr. Noel being present in 2009. She said Mr. Noel mentioned that it was not realized that the house was historic and therefore protected until Mr. Capozzi attempted to have the two out buildings demolished.

Mr. Noel noted that was his understanding. Ms. Balkcom stated okay because in our records of the minutes from that meeting, it was shortly after the property was purchased in 1989 that it came to his attention that the property was historic and was protected, and then it was subsequently rented out.

Mr. Noel claimed the owners were never notified that the building was declared historic. He added that he himself did not find out until Mr. Capozzi came before the Commission to have those out buildings demolished.

Ms. Balkcom thought that was interesting since a house that was constructed in 1789 in a town that prides itself on historic preservation, has this huge Historic District, and someone goes to purchase this house who has close ties to people

in the preservation community does not know it is historic. Ms. Balkcom said she did not buy that. She added that the other thing Mr. Noel mentioned, when she spoke about demolition by neglect was that the prior owners should be charged with demolition by neglect.

Mr. Noel stated not necessarily the Rockefellers. He noted the rot has been going on for maybe 50, 60 or 100 years before we bought the building.

Ms. Balkcom asked if the Applicant saw the house before it was purchased. Mr. Noel said no but he could tell the day that it was purchased the building was rotting from the bottom up. Ms. Balkcom confirmed he did not see the house before it was bought. She commented that she looked at her house before she bought it.

Mr. Noel stated he went in the house before the group bought it. Ms. Balkcom questioned if it was bought knowing that it had damage. Mr. Noel said absolutely, because we bought it to have access.

Ms. Balkcom questioned the amount of work that was done in the 25 years since The Division Group has owned the property. Mr. Noel stated a lot of work has been done, all to no avail. He added that he appreciates all the time and hard work the Commission does to preserve the history of East Greenwich and is not here to criticize but what he is trying to say is he does not think this building lends itself to preservation, but he may be wrong.

Ms. Carron questioned why it is not desirable to access the 31 acres through the BIF parking lot where it is stated in the deed. Mr. Noel said there is a map that shows how you would come in the main gate and then you take a left, then turn into a parking lot and take a right, and then take another left and come into the side of the property – so it is not desirable access. He noted we would not have bought the Rockefeller place if we had good access. Ms. Carron clarified that it is not convenient access – it is possible and it is doable, but it is just not convenient for you to access the property that way.

Mr. Noel said no, it is probably the zone, the land in back is zoned for heavy industry, that access probably would suffice but we do not think that 30 acres should be developed for heavy industry.

Ms. Carron asked what the land should be developed for. Mr. Noel thought it should be developed for student housing or something that has to do now with New England Tech, which is a good institution that is growing and getting stronger every year. They have expressed an interest in buying the property and that would be the best use. If the Town is concerned about neighboring properties, you would rather have housing there or some kind of college activity than heavy industry.

Ms. Carron said to be perfectly honest, the 30 acres to be developed is not even in East Greenwich so she for one does not care what happens to that property because it has nothing to do with East Greenwich; that is not going to benefit our Town in any way. For her, that seems a little irrelevant to say we would rather have student housing over industry. Mr. Noel understood Ms. Carron's point.

Ms. Hitchen questioned if that 30 acre property is in New England Tech's master plan for student housing. Mr. Noel said no he did not think so. Ms. Hitchen confirmed the parcel is not in NEIT's master plan.

Mr. McGeorge asked if the Group has a master plan development proposal for the 30 acres as that is one of the criteria of reviewing the application is to see the proposed use of the land. Mr. Noel stated when the Group acquired the 30 acres we understood that it would be a long time before that property really became developable; the economy at the time was not strong and has not been strong ever since.

Mr. McGeorge commented that clearly it has become developable now or you would not be here. He said that he has a large number of developer clients that he works with that do both insensitive commercial developments as well as very sensitive commercial developments, so he can understand both sides of the argument very clearly, one of which is a major adaptive reuse project where most people would say that it is completely not financially feasible to restore it; however they are passionate about it and they are doing an amazing job restoring it.

Mr. McGeorge said he is currently working with Brown University on restoring a number of residences, part of the Brown Restoring Housing Program, one of

which is fully infeasible, but because of the passion of the university and the community, they are going through great lengths to restore that.

Mr. McGeorge went on to say that the Applicant would not be here to demolish a property if they did not have some sort of master plan development in place on a conceptual level with a site civil engineer or a landscape or construction company or another real estate venture capital. He asked again what that Applicant has to support the master plan site development.

Mr. Noel said the Group does not have a master plan for the 30 acres; never have had, not in the 20+ we have owned it.

Ms. Carron questioned why are you seeking to demolish the structure if you have no plans to do anything with this property.

Mr. Noel commented that the property is no longer insurable and that is of concern, not just to him but to his partners because you cannot insure that property and it is dangerous-that can become a liability to us. He also noted the engineer's report brought to light that the property should be demolished, that it was dangerous and should come down right away. He added that the Group had that building insured for liability, all 30 acres plus the house; the house is no longer insured for liability which is why a fence was installed and warning signs put up around the house because the engineer said it was dangerous.

Mr. Barkley commented that the Commission is here this evening to decide if this application as submitted something that can be accepted or is going to be pushed to next month and reviewed again to see if it is complete. Mr. Barkley stated as he sees the application it is nowhere near the information that would be required to make a determination. He applauded the Applicant for preparing an engineering report and detailed history of the building but if we are here to truly stick to the documentation and an application that we are here to review the HDC simply does not have the information to do that.

Mr. Noel agreed with Mr. Barkley's statement and agreed the application is not complete. Mr. Noel thought that every member should go through the structure before making a vote on the application.

Mr. Barkley agreed and would like to have a site visit as he was aware Staff has made some inroads as to having that occur. He would like to come out and review the house himself as well as get a second tertiary opinion on the conditions of the house.

Mr. Noel said you are absolutely welcome to visit the house and welcomes another engineering opinion.

Ms. Drury asked the Applicant to explain why the application was submitted if it was known and aware the application was incomplete. Mr. Noel noted he didn't as this is his first experience with this Board and he did not know the application wasn't complete until the Chair made the comments which were sent to him this morning. As he read the comments, he realized that we should have quickly had the members go through the house, which to him was important because when you go in the cellar and look at it you can make up your own mind. Mr. Noel added that it is also important because this is a historic building, that the Board have their own engineer go in and look at the building – and if those engineers, if it comes down to a decision that the building can be saved, he is all for that. Mr. Noel said he just does think it can be saved but he is not an engineer.

Mr. McGeorge pointed out that Mr. Noel has already conceded this evening that the building can be saved; he recalled Mr. Noel saying specifically that rehabilitation – buildings can be saved and revived. So obviously the financial considerations are in place and that would be maybe part of the future submission. He noted that the Applicant would need to probably submit documentation demonstrating costs to save it, pro formas, etc. Again, sticking with the standards, Mr. McGeorge said he would not digress to a personal emotional laden argument but it is the standards that the HDC is here to uphold. At a minimum, the two items that are identified are financial aid to supporting demolition versus rehabilitation and the proposed use of the current parcel.

Mr. Barkley added that the onus is on the Applicant to verify all documentation submitted and dates of the building and time frame.

Ms. Carron asserted that she would like to see complete the application what steps the Applicant is taking to try to sell the property, what steps you are taking to try and rehab the property. She recalled Mr. Noel saying that money has been sunk into this property to try and rehab it to no avail. She would like to know

specifically what was done for that. Mr. Carron seconded Mr. McGeorge's comments in that she would like to know what is planned with the vacant property and all of the financial implications in that.

Mr. Noel acknowledged Ms. Carron's point.

Ms. Balkcom stated she too would also be looking for Ms. Carron's suggested documents.

Ms. Balkcom commented that this meeting serves as a public hearing so the public can get their comments in as well. And then that should help the Applicant to determine the steps they need to take and the things they need to put in place to complete the application.

Mr. Noel stated that in response to the comments, we did have realtors go into this property, and their comment was its uninhabitable and they would not take the listing – we can have those people come in and testify.

Ms. Carron asserted that the property can still be sold with the idea that somebody else would want to rehab it; it may not be inhabitable at this point in time, but down the road it could be. And there are people out there that want houses regardless of their condition so that they can be made habitable. So to say that it is not habitable now and that is why a realtor would not take the listing, she thought Mr. Noel was missing part of that. She thought it sounds like Mr. Noel had a one-angled way to try to sell this when there are other avenues to take.

Mr. Noel noted that this exercise involves having someone decide that the building can be saved and how much it is going to cost.

Ms. Carron asked if anyone from the Group has tried. She understood that it sounds like a daunting task for a buyer to take on but she asked if the Applicant has tried to find one. She was not saying the Applicant had to put the money in to rehab it but to try and find a person who is willing to rehab it.

Mr. Noel said no not personally, other than having told the President of the Town Council that we would give the building to anyone who was capable and

had the financial ability to rehab this house. In fact, he added we would make the first contribution toward that cost.

Ms. Balkcom inserted that the Commission would like to see that documented, that the efforts have been made. She noted the Board had a similar application for property in Town and they went through hoops – posted it in the paper, posted online, the back of This Old House magazine, Save This Old House. She said the Commission has not seen any of that and that is what we need to see as part of a complete application.

Ms. Carron seconded Ms. Balkcom's comments.

Ms. Balkcom opened the hearing for public comment.

Mr. Bruce MacGunnigle of 202 Kent Drive, East Greenwich stated he was a member of the HDC from 1982 to 2004 and is currently the Town Historian. He noted that at the end of the year he writes a column about the five most endangered houses in East Greenwich for the NorthEast Independent which he has been doing for the last three years. He noted the most endangered house for the last three years in East Greenwich is the house at 1727 Division Road. Mr. MacGunnigle mentioned that Mr. Noel stated that they knew it was a problem soon after or at least soon after they bought the property because the tenants complained about the smell. These are savvy businessmen, but they didn't do anything about it; they just boarded it up and left it. Mr. MacGunnigle thought the structure is a substantial asset. To him, Mr. MacGunnigle said that is proof that they had no interest in the building, only in the land. He questioned other than the land why would the Applicant turn their backs on an asset and let it deteriorate.

Mr. MacGunnigle laughed when the former Governor mentioned the lally columns as if that was a big problem. He noted if you were to take away all the lally columns on the Historic District he thought half the houses would fall down so it is not an unusual thing to have lally columns.

As the Town Historian, Mr. MacGunnigle stated in 1756 when Clement Weaver Jr. sold the property to Samuel Vaughn, the deed specifically says: One messuage, pronounced messuage, or tract of land contending by restoration one acre. Well oddly enough it is back to just one acre again. He went on to say the definition

for message is an archaic legal term which means nearly synonymous with the dwelling house so we know there was a building there, a dwelling house there as early as 1756, which is earlier than the generally accepted date of 1789.

In 1785, Mr. MacGunnigle went on to say that Mr. Vaughn sold the property to William Weaver of Newport specifically in the deeds that the property included a mansion or dwelling house thereon – so it must have been a fairly sizable house to be calling it a mansion. The Briggs family owned the property from 1816 to 1948 – that is 132 years; there is no doubt why it is called the Briggs Farm or Briggs property. And finally, the Rockefeller Family owned it from 1964 to 1989, 25 years. Mr. MacGunnigle noted the building and the farm that it represents – it represents our town's rural and agricultural heritage; at one time having farmland both on the north, which is now West Warwick which used to be Warwick and to the south across Division Road. To put this in perspective, Mr. MacGunnigle noted, the house is 225 years old, which is only 170 years after the Pilgrims landed – this building is closer to the Pilgrims landing than it is to us by some 80 years.

In conclusion, Mr. MacGunnigle stated the structure is very important to the Town – it is important to be saved and he thought the HDC should look at this application with extreme care and possibly have an engineer examine the building.

Ms. Calise asked Mr. MacGunnigle how many structures in your experience are of that age in East Greenwich. He estimated there are about 30 structures with the same age.

Ms. Renu Englehart of 2005 Division Road, East Greenwich stated she would like to see Governor Noel under oath. One of the things she found fascinating is that this house was inhabited when she moved to Division Road 15 years ago. Ms. Englehart found it very hard to believe that this house was completely uninhabitable at the time The Division Group bought the house, particularly since Mr. Capozzi and his son are contractors specializing in historic homes. She added that as far as this house being boarded up because it was vandalized so often, this house has only been boarded up for the last year to year and a half. She added that the prior owners – demolition by neglect, she finds that so improbable to continue to have tenants live in that house and take that liability on when you clearly, you know you were so worried about the rotten mold in

the house. Additionally, she would be interested to know how many homes of this age commonly have a dirt basement as she believes it is fairly common to have to have a dirt basement. Ms. Englehart added that being located near a pond she could not figure out why someone would not install a sump pump in the basement; it boggles her mind. As far as fixing the roof; she was the one that pointed out there was a hole in the roof and was the one that had been calling the Building Official practically every other day. She acknowledged that the fact that this house is still standing and the fact that this group has done nothing to preserve it or has done nothing to preserve the integrity of the building is unbelievable. She believes the recorded easement is clearly access enough to get to the rear 30 acres that the group wants in West Warwick and if they are trying to sell to NEIT, NEIT already has an easement further down on Division Road. Ms. Englehart could not understand why the Applicant was so concerned about demolishing this particular structure. She went on to say that the stream that Governor Noel was referring to in the rear of the 30 acres is that DEM wetland which one cannot do too much with because it is a wetland and there is a 100 foot buffer; she did not know who they are planning to sell it to if there is a significant wetlands in the rear. Additionally as far as Governor Noel's comment that the house is too close to the road, Ms. Englehart stated that as someone who lives on Division Road, she and all her neighbors are highly insulted by the fact that he thinks we live in an industrial area as she does not believe this is an industrial area – she actually likes where she lives and likes the subject house. Despite the best efforts of Mr. Capozzi and his group, to let that building go, Ms. Englehart stated it is truly disgraceful. She added that there are very few homes of this era west of Route 2 that are remaining and she noted that it is very important that this Commission recognize that and preserve that for what it is worth.

Mr. Mark Gee of 99 Middle Road, East Greenwich who explained he has been involved in historic preservation for most of his life which started with the seminary in Baltimore and then he bought a historic house in Newport after his stint in the Navy which had little to no plumbing. Mr. Gee explained that when he worked for the construction company that fixed the St. Mary's seminary he gained a lot of skill with people who knew what they were doing with historic preservation which is how he fixed up 27 Dudley Street. He viewed historic buildings as an attraction to a community; they add character; they add dimension; they add the unique quality of having survived for as long as they have – some of them are not in as such good shape as others.

Mr. Gee went on to say to be honest with you, in his experience there is a lot you can do with not so much money to solve some problems. He views these unique structures as very important and was interested to know could take a look at the building.

Ms. Balkcom questioned how that works since technically it is a meeting when the HDC visits the property.

Ms. Hitchen noted she is in the process of working with the Applicant to set up a site visit but we are having a conundrum where the owner is saying that the building is so badly deteriorated that they are fearful that one of us may fall through the floor so they want us to sign a waiver due to insurance purposes so we are working with our Town Solicitor to prepare a waiver liability together so the HDC members and potential expert witnesses that we are working with can visit the site and at least at a minimum walk around the property and be able to poke our heads into windows and doors so we can be able to see the potential deterioration of the property. Ms. Hitchen stated that she wanted to do the site visit prior to tonight's meeting so we all could have a better conversation this evening but unfortunately that did not happen before tonight's meeting. She thought we should be able to have a site visit. The owner did require that if we do perform a site visit that the Building Official be present and Wayne Pimental, the Official will definitely be able to attend. She reiterated that she is still working with the Applicant on a site visit.

Mr. Noel stated that if the gentleman with all his experience would like to see the building that is fine with us as well as any other person. Mr. Noel noted that the only thing we would ask is that the Board is clear whoever else wants to go and see this building, anybody that you feel might be helpful; we leave that in your hands; it could be 1, it could be 10, it could be 15 people – anyone that you think might lend some light on this problem, we are happy to have them there.

Ms. Hitchen said that she appreciates that and understood his concerns about falling through the floor. In the meantime she will speak with the Town Solicitor and the Town insurance agent in order to get everything buttoned up.

Mr. Noel stated the problem is that the Group is no longer insured; the whole property is insured for liability but not the house so therefore with there being no liability insurance in place we would like people who go in there to sign a

waiver, simple waiver form, sign it and it relieves us of any liability, and go in and stay as long as you like.

Ms. Hitchen noted that in addition there are other logistics such as posting an agenda since it is technically a “meeting.”

Mr. Gee appreciated the opportunity to be allowed in the building since he has been in a lot of basements and was not worried about falling in and would gladly sign the waiver. He added that the things that would normally scare people do not scare him because he can see what the building can become and he thinks it is the vision and motivation that one has when he gets involved in real estate.

Mr. Alan Clarke of 182 Overlook Drive, Potowomut, representing the State Commission for Historic Cemeteries because he knows a little bit about trying to save places; the places he saves are easier to save because you cannot do anything with them but try and clean them up. He explained that a lot of what we know in historic folk lore comes from Violet Catell who just recently passed away who notes that Amanda Briggs lived in the subject house who was referred to as “Aunt Mandy.” He went on to say that Amanda Briggs worked with Mr. Arnold when he inventories all the cemeteries in East Greenwich in the late 1890s; relative to the local history, this house and the significance to the Briggs family around here is pretty significant and a lot of what we know these days comes down from Amanda Briggs.

Mr. Clarke added that the building we are sitting in now was ready to collapse on two occasions which has been restored twice. There are many houses in Town that have problems. Mr. Clarke felt the Applicant did not purchase this house to rent it out or rehabilitate it; they simply bought it because they wanted the land it is sitting on. He insisted that it is possible to save the structure and the Board should try and save it.

Mr. Gene Dumas of 48-50 Montrose Street whose family is third generation in East Greenwich and his grandfather bought his current home in 1929. He indicated the real issue is stewardship and money.

Mr. Noel stated that he did not want this meeting to end without reassuring everyone that if this house can be preserved, it should be. As a layperson, not an expert, he has doubts that it can be preserved within some kind of economic

structure that makes sense. He added that it was noted nothing has been done to maintain the house – Mr. Capozzi is present and maybe at the next meeting he can bring the checkbook to show you what we did to try to preserve the house. Mr. Noel said we put a new furnace in, put new plumbing in, and fixed the roof – there were things that were done to try to keep that property tenable. He added that the Group is paying taxes not only on that house but on the 30 acres of land and insuring that house and 30 acres of land. It would have been ideal as business people if we could have had tenants in that house but it got to the point where it was not economically feasible to continue to put money into the house because we were not getting the type of tenants that would make the whole thing work. Mr. Noel explained the decision was then made to board it up but it wasn't because we didn't try to keep it occupied; it was never his great belief that it should be occupied but he is only a minority in that Group. He added that the Capozzi's felt that the property should be occupied and so we went with the Capozzi's and they tried to keep the property maintained and occupied and it just did not work out.

Ms. Balkcom thanked everyone for their comments and noted that at this point the Commission would only have a vote if we were voting to accept the application. Since the application cannot be accepted because additional information is needed, the preliminary meeting will be continued until the next regular HDC meeting which is October 14th. She added that at the next meeting, provided there is a complete application and a site visit has been performed and consulted with any experts.

Ms. Hitchen clarified whether or not the Commission wanted to hear from the Applicant's structural engineer. Mr. McGeorge indicated it would be a good idea.

Mr. McGeorge commented that for full disclosure he has worked with Pretzer Associates on various engineering projects, including some historic projects so he can understand how the submitted structural engineering report given to the Applicant requesting this specific report is to be made. However, Mr. McGeorge commented that what the report does not do is that it does not take into account a report to save a building.

Mr. David Grandpre of Pretzer Associates Inc. stated that is a very interesting comment as he runs into that perception quite often in his business of looking at

properties hired by a particular party that may have a very specific interest. He said he would not go as far as taking offense to Mr. McGeorge's comment but he did note his report was very brief; it did give a summary without the detail the HDC is looking for as for the justification. He added that the summary of the report, there are dangerous components within the building, on the second floor in particular where water has come through that you could step on and get hurt. Mr. Grandpre added that there is a laundry list of problems that will need to be corrected is someone wanted to invest the appropriate sum of money. And so what the report was really saying is there is a long laundry list of things that need to be done and certainly if my client asks me to assist them in putting that list together, we can do that. He noted the terminology of a constructive loss basically to him means it would cost more to repair the structure than to rebuild an equivalent square foot structure from scratch.

Mr. McGeorge and Ms. Balkcom both said in unison that it could be done.

Mr. Grandpre agreed and commented that he has been part of salvaging many structures that someone has wanted to put money into. He added that the answer he provided was to the very specific question, in his opinion, is it more expensive to fix the building or replace it.

Mr. Jeff McGovern of 225 Carlton Avenue, Warwick asked the Commission if a list is generated because it was mentioned two specific issues that you wanted a financial analysis of what would be involved in rehabbing it and some sort of plan for the property. He asked if those are the two additional items that need to be addressed prior to the October 14th meeting or would the Commission generate communication.

Ms. Carron stated the Commission basically needs to know all alternatives of demolition that have been considered and explored and to what extent. So whether that means relocating the house, if that can be done, the cost of relocating the house. She asked if you have tried to sell it to someone who wants to buy it not just to live in but to rehab, spend the time and money. She also wants to know what other uses are you going to do as well as what else are you going to do with the property if the house is demolished – what is it going to cost, what are they and to what extent have you explored them.

Mr. McGovern commented that he just wanted to make sure that we should come back on October 14th so we are not in the same situation.

Mr. Barkley asked if the Applicant has access to the staff report. Ms. Hitchen stated she sent the staff report to Mr. Capozzi. Mr. McGovern said he did see the staff report and. Ms. Hitchen said it was noted in the staff report that the HDC should have a second opinion regarding the structural engineering report.

Mr. McGovern asserted that he is listed as the contact for a site visit which he can facilitate once the waivers and all of those things have taken place once it is determined who is going and what they are going to accomplish. Ms. Hitchen acknowledged that she is the main contact for getting the HDC and town staff into the building. She asked when it is most convenient for everybody to perform a site visit.

Mr. McGovern recommended a site visit be done during the day since it is difficult to see inside due to no power and limited visibility. He noted we can try to make some sort of arrangement to get some sort of temporary lights or generators.

Mr. Noel said the group will bring the temporary lights in. Mr. McGovern said other than that there are no other real restrictions that he is aware of and is willing to accommodate whatever time.

Ms. Hitchen asked if Applicant prefers to have their structural engineer onsite during the site visit and whether there will be any restrictions whether certain people can attend. Mr. McGovern said that is something we can discuss noting that he believes that it is not a safe environment and the site visit should be controlled to try to guarantee their safety and controlled to accomplish what it is we all want to accomplish.

Ms. Carron added one more point which was she would like to see what has been done to rehab the house since the Group has owned it and exactly how much money has been put into it. Mr. McGovern asked the work that has been done since the Group's ownership. Ms. Carron said exactly. Mr. McGovern acknowledged her request.

With no further comments or questions for The Division Group, Ms. Balkcom ended the hearing.

Historic District Commission Business

1. MINUTES: Action on the minutes of the March 11, 2015, April 8, 2015, May 13, 2015 and June 10, 2015 meetings.

Motion by Ms. Calise to approve the March 11, 2015, April 8, 2015, May 13, 2015, and June 10, 2015 minutes as written. Seconded by Ms. Drury. Approved 6-0.

2. COMMISSIONER COMMENTS/OTHER: Commission members are invited to comment on any observations they have made within the District, ask questions about past approvals, request updates on violations, etc.

The Commissioners made numerous positive comments about recent approved projects in the districts including those at Mr. Caparco's residence, 404 Main Street and Mr. Nile's garage on Spring Street.

Motion to adjourn by Mr. Barkley. Seconded by Ms. Carron. Adjourn at 7:55 p.m.

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

Lea Anthony Hitchen, Assistant Town Planner