

Warwick Historic District Commission

Warwick City Hall
3275 Post Road
Warwick, Rhode Island 02886

Meeting Minutes Wednesday, November 16, 2016 Warwick Planning Department Second Floor, City Hall Annex

The following Commission members were in attendance:

Ms. Donna Tobin, Chair
Ms. Ginny Leslie, Vice Chair
Mr. William McQuade
Mr. Maxwell Pounder

The following Commission members were absent:

Mr. Barry O'Brien
Ms. Carol Pratt
Ms. Jennifer Siciliano

The following staff members were present:

Trish Reynolds, Warwick Planning Department
Sue Baker, Warwick Planning Department
Al DeCorte, Warwick Building Official

The meeting was called to order by the Chairperson at 6:06 p.m.

Commissioner Tobin explained to those present that, because only four Commissioners were present, any vote would have to be unanimous or the motion would fail. Petitioners have the ability to ask that their matter be continued.

Commissioner Tobin explained that the Petitioner for #16-292-494 had several obligations this evening and asked for a motion to move that petition to the beginning of the agenda to accommodate Mr. Piscione. Commissioner Leslie motioned to move the Petition, seconded by Commissioner McQuade. All voted in favor; none were opposed.

Petition #16-292-494 Commercial 62 Post Road Pawtuxet Village

This Petition has been continued from the September 21, 2016 meeting. The original Petition was for approval for the removal and replacement of four (4) windows with Anderson 400 Series double-hung windows, flat stock with square trim, and grids between glass in a 4/4 lite pattern. At the September meeting, a Commissioner requested that installation of garage doors also be added to the Petition. The Petitioner completed the work without prior review

by the Historic District Commission and is presenting the Petition for consideration and approval.

Commissioner Tobin said that, because installation of garage doors does not require a building permit, the Commission would be considering approval of the windows only. Commissioner Pounder said the building permit issued in July was only for replacement of wood trim and siding in kind. There was no mention of new doors or windows, and he questioned where the permit was. If proper permits were pulled, it is his opinion that the garage doors would have fallen under the Commission's purview as part of a project larger in scope.

Ms. Reynolds noted that the siding and roof were approved administratively as replacement in-kind. Projects such as this are often completed in stages and the permit would only list work being completed at that stage. She noted for the record that Mr. Piscione's contractor had been told in no uncertain terms that windows should not be purchased or installed before an application was filed and heard by the HDC.

Further discussion ensued relative to the process by which this work was completed. Ms. Reynolds noted that a series of errors had been made. Ms. Reynolds noted there had been a bit of outcry in the community, and read into the record an email from Ms. Janet Hartman in support of the work that had been completed. Commissioner Pounder said his issue was not necessarily with the appearance of the work itself, but the way in which the Petitioner went about the process. This makes it very difficult for them for future applicants. The Petitioner was aware that the property is within a historic district. Mr. Piscione apologized for the mistake, said he had sought neighbors' input, and that he would pay any fines that may be assessed relative to the building permit issue.

It was further discussed that, although they were not happy with the process, the Commission saw no point in continuing this matter further, as the work has been completed, at considerable cost. Commissioner Pounder noted that he would have abstained from voting, but because only four Commissioners are present, he would vote but not make or second a motion for approval.

After considerable discussion, the Commission voted unanimously to approve Petition #16-292-494, with work as has been previously completed, with the caveat that this approval does not set a precedent for any other similar case in which an applicant does not apply appropriately and correctly for building permits, and with the following findings:

- a) The building is a commercial structure, dating from circa 1920s, and is a one-story building; originally flat roofed, now with a false mansard; concrete-block covered with vertical board siding on façade. Built as an auto garage, it has four-bays with overhead doors open to Post Road.
- b) It is a non-contributing structure within the Pawtuxet Historic District.
- c) Over time, the building has been significantly changed from its original appearance. The Warwick Historic Preservation Plan notes that it has been "much modified."
- d) The work that has recently been completed is, aesthetically, an improvement over what would have been installed as a replacement-in-kind.

Commissioner Leslie made the motion, seconded by Commissioner McQuade. All voted in favor; none were opposed.

Petition #16-273-246
Residential
39 Greenwich Avenue
Pontiac Village

This Petition was continued from the October 19, 2016 meeting, at which time the Petition was amended to include approval for repair or replacement of windows, including basement windows, construction of a new deck, and replacement of an existing sliding rear door that will lead to the deck. The Petitioner had received prior administrative approval to replace the roof and repair damaged shingles and clapboard.

The Petitioner, Jose Suarez, was present and explained he is part-owner of the property as well as the contractor. Mr. Suarez told the Commission he did not yet have the plans ready for the proposed new deck and sliding door. Commissioner McQuade made a motion to split the petition. Commissioner Leslie seconded the motion. All voted in favor; none were opposed. Petition #16-273-246A, relating specifically to replacement of the windows, will be heard this evening. Commissioner Leslie made a motion to continue Petition #16-273-246B until a later meeting date until plans for the deck and door have been submitted. Commissioner McQuade seconded the motion. All voted in favor; none were opposed.

Mr. Suarez brought with him a window to show the Commission the type of window he was proposing. Discussion ensued relative to the lite pattern on the existing windows. Mr. Suarez explained that, as shown in photos that the Commission reviewed, there were several different lite patterns used in windows throughout the residence. The Commissioners discussed with Mr. Suarez the various options available to him. The Commission and Mr. Suarez agreed that two options would be preferable, and either were acceptable. Mr. Suarez will determine the overall price of the two styles.

Commissioner Pounder made a motion to approve Petition #16-273-246A. Pella 450 series, or better, or Anderson 200 series wood windows, with simulated, divided lite grills permanently bonded to the inside and outside of the window glass, will be accepted. Grills shall be in a configuration of a 6/1 or 4/1 lite pattern, to match the pattern on existing windows. Commissioner Leslie seconded the motion. All voted in favor; none opposed.

Secretary of the Interior's Standard #9 was cited.

Petition #16-292-341
Residential
55 Remington Street
Pawtuxet Village

The Petitioner, Carlos Macedo, is seeking approval to replace existing windows within the residence. The house, which was formerly a two-family, will be converted for use as a single-family home. The condition of the house will require a significant investment. He has

purchased approximately a dozen new windows already and presented one of them to the Commission for review.

Mr. Macedo told the Commissioners that the windows are vinyl and that he now realizes that there is an issue with installation of vinyl windows relative to Commission standards. He would like permission to use what he has already purchased for the rear and sides of the house and will be happy to use whatever type of window that the Commission deems appropriate for the front façade. He noted that other homes on the street have vinyl.

Commissioner Tobin explained that, according to Secretary of the Interior Standards, they are not allowed to approve vinyl. Mr. Macedo said that it would be a big financial break for him if he is allowed to use the windows, which were custom-made, that he has already purchased, since they cannot be returned.

Discussion took place relative to the fact that the Commission was bound by law and the Petitioner made a mistake in purchasing the windows prior to seeking approval. The Commissioners and Mr. Macedo discussed various options in an attempt to reach a compromise. Commissioner Pounder noted that another Petitioner was waiting to be heard and was in a similar situation. The Commission cannot look the other way for Mr. Macedo and say no to future applicants. Commissioner McQuade noted they were in a bind; they are sympathetic to Mr. Macedo's financial situation but cannot approve the vinyl. Further, the property is located adjacent to the Armory, a historically-significant property. It was suggested that he keep the windows that are in the best shape for now, replace others as finances allow, and try to sell the windows he already purchased.

Commissioner Tobin noted that in the past the Commission was able to approve vinyl windows if an economic hardship was determined by the Office of Community Development. Mr. Macedo indicated he would not apply for that as his financial situation was only temporary as he attempts to renovate and restore the property.

Ultimately, Commissioner Leslie made a motion to approve Petition #16-292-341, citing Secretary of the Interior's Standard #9, to allow for the replacement of 24 existing windows, as allowable financially, with 450 series or Anderson 200 series wood windows, or similar, with simulated, divided lites in the configuration of 2/2, bonded to exterior of the glass.

Commissioner McQuade seconded. All voted in favor; none opposed. Commissioner Leslie thanked Mr. Macedo for taking on such a daunting project. Commissioners Tobin and Pounder asked the Petitioner to be sure to seek HDC approval prior to commencing any further work on the exterior of the building.

Petition for Advisory Opinion #16-274-141
Residential Multi-Family
36-40 King Street
Pontiac Village

The Petitioner is seeking an advisory opinion relative to the demolition of a multi-family residence at 36-40 King Street, which was heavily damaged by fire in January 2016.

The Petitioner, Cliff Carlson, informed the Commission that he had consulted with the Building Official, Al DeCorte, who has advised him that the property is zoned Residential A-7, and is a legal non-conforming five (5) unit apartment building. Mr. DeCorte has advised him that if such a building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as previously existed. It was also noted that Mr. Carlson could, with appropriate approvals, rebuild the same number of units in different configurations elsewhere on the property. Mr. Carlson wanted to speak with the Commission so as to avoid the same type of situations that had been previously discussed with other Petitioners this evening.

The Commissioners reviewed photos of the property as well as pictures of other lots within the neighborhood. Mr. DeCorte noted that a Class 1 Survey had been obtained so that a new structure could be rebuilt on the identical footprint if the Petitioner desired. Mr. Carlson said his intention was to build something better than the existing house, which had been significantly altered over time. Various options, from rebuilding on the existing footprint, to a single unit in front with a four-residence unit in back, or a duplex/triplex combination, or one building, were discussed. Examples of parking and landscaping placement were also discussed. Commissioner Pounder suggested that, as part of the process, the Petitioner develop a business plan if the property will continue to serve as rental units; condos could also be considered.

It was suggested that the Petitioner engage the services of a professional architect, who will be able to design an appropriate replacement.

The Commission concurred with the opinion that the condition of the structure was such that it should be considered to be involuntarily demolished and that demolition of the residence was appropriate. It was also discussed that the Commission would entertain proposals for construction of five dwelling units on the property, in accordance with Zoning, Building, and other applicable regulations, either as one structure consisting of five units, or several structures totaling five units.

The Commission asked that Mr. Carlson consult with them as appropriate as this process moves forward.

OTHER BUSINESS

- **Approval of minutes of August 17, 2016 meeting**
The vote was continued due to lack of quorum
- **Approval of minutes of September 21, 2016 meeting**
The vote was continued due to lack of quorum

Commissioner Leslie made a motion to adjourn, seconded by Commissioner McQuade. All were in favor; none opposed. The meeting adjourned at 8:00 p.m.