

**CITY OF PROVIDENCE
ZONING BOARD OF APPEAL**

IN RE: Appeal by Cooke Twenty Five Realty, LLC and Kite Architects from a Decision of the Historic District Commission denying a Certificate of Appropriateness for Application 24.079, 118-126 Benevolent Street

118-126 Benevolent Street (Plat 13, Lots 318 and 319)

**The Providence Historic District Commission's
Memorandum in Support of its Objection to Appeal**

The Providence Historic District Commission (“the PHDC” and/or “the Commission”) submits this Memorandum in support of its decision (“the Decision”) to deny a certificate of appropriateness for application 24.079 (“the Application”). The PHDC requests that the City of Providence Zoning Board of Appeals (“the Board”) deny and dismiss the appeal of Cooke Twenty Five Realty, LLC and Kite Architects (“the Appellants”) because the Appellants fail to meet their burden of demonstrating that the PHDC committed clear legal error, prejudicial procedural error, or that the weight of the evidence did not support the PHDC’s findings and Decision.

PHDC Background and Purpose

Providence’s Historic District Commission is enabled by state statute. *See* RIGL §§ 45-24.1-1 et seq. Its purpose includes preserving structures of historic and architectural value, safeguarding the heritage of the city or town by preserving elements of its cultural, social, economic, political, and architectural history, stabilizing and improving property values, fostering civic beauty, strengthening the local economy, and promoting the use of historic districts for the education, pleasure, and welfare of the community. RIGL § 45-24.1-1.

Cities and towns are empowered to create historic district commissions and create historic districts by ordinance, which the city has done by zoning ordinance. *See* RIGL §§ 45-24.1-1, 45-24.1-1.1(6), 45-24.1-3. *See also* Providence Zoning Ordinance §§ 1707 and 1718.

Importantly in this case, in historic districts an owner must obtain a permit from the PHDC, called a “certificate of appropriateness,” to *construct*, alter, or demolish a structure. RIGL §§ 45-24.1-4 (emphasis added). The zoning ordinance likewise provides that the PHDC is authorized to regulate the alteration, repair, *construction*, demolition, removal of any exterior structure and/or appurtenance within any historic district identified on the zoning map. *See* Providence Zoning Ordinance § 1718(B)(6)(emphasis added).

In deciding whether a “certificate of appropriateness” should issue, state statute requires the PHDC consider three things: (1) the historical/architectural significance of a structure or its appurtenances, (2) the way in which the structure and its appurtenances contribute to the historical and architectural significance of the district, and (3) the “appropriateness” of the general design, arrangement, texture, materials, and siting proposed in the plans. RIGL § 45-24.1-4(d).

The statute further requires the PHDC to adopt rules and regulations and publish standards necessary to inform the public of the criteria used to evaluate whether or not a certificate of appropriateness should issue. RIGL § 45-24.1-4. The PHDC has adopted rules and regulations as well as published three sets of standards. The Standards & Guidelines for the Armory, Broadway, College Hill, North Elmwood, South Elmwood, and Stimson Avenue Districts are applicable to this case.¹

¹ The rules and regulations as well as these standards are available at <https://www.providenceri.gov/planning/providence-historic-district-commission-phdc/>. Both are also attached hereto as *Exhibit A*.

Also, importantly, historic district commissions have wide discretion to make decisions in what is arguably a largely subjective arena -- whether or not construction and/or alteration and repair of structures within historic districts is “appropriate” within broadly stated criteria. The historic district enabling legislation, however, has withstood challenges to its constitutionality, including the argument that it is unconstitutionally vague. *Bellevue Shopping Center Ass. v. Chase*, 574 A.2d 760, 765 (R.I. 1990) (“[a]lthough the board’s discretion cannot be entirely eliminated because of the subjective nature of the process, we believe the standards set forth in the historic-zoning legislation sufficiently alert the public of the statute’s scope and meaning”) (emphasis added); *see also Opinion to House of Representatives*, 208 A.2d 126 (R.I. 1965).

Facts Relating to this Particular Application

The Appellants’ brief gives an inaccurate factual summary of the matter, peppered with invalid arguments and quotes taken out of context; thus, the PHDC will clarify the travel of this case for the Board. This appeal relates to Kite Architects’ (“the Applicant and/or Kite”) request for a certificate of appropriateness for new construction of *three* single-family residences with detached garages on what is now two vacant lots at 118-126 Benevolent Street. The vacant lots are located within the Power-Cooke local historic district, an area recognized as a National Register Historic District (NRHD).² *See Power-Cooke National Register Historic District Nomination attached hereto as Exhibit B.*

² NRHD is a federal designation established by the National Historic Preservation Act of 1966; it is overseen by the Nation Park Service and by the Advisory Council on Historic Preservation (ACHP).

The Application for conceptual review was initially heard at the July 22, 2024 regular meeting of the PHDC. Christine West, Kite’s architect for the project, was, in fact, the Applicant, and presented testimony as the Applicant, not as an expert.³

At this meeting, members of the PHDC expressed significant reservations about the massing, scale, and placement of the three homes on the site. Commissioner Dotson stated, “I think the thing that’s not meshing is that, you know, or [sic][you’re] referencing houses [in the Application] that are grander and taller on a different block. The lot size is right, but the massing on the lot is a little bit different in this block.” *See Transcript of the July 22 meeting attached hereto as Exhibit C, p.44.* Commissioner Kaplan reiterated this sentiment: “I would need some more information, some more help understanding exactly what you [the Applicant] were saying, that how will these buildings fit onto this parcel in a manner that is not incongruous with the historic district. And I would emphasize the immediate radius of architectural neighbors rather than picking – I won’t say cherry picking. But picking buildings from a several-block area rather than be more aware of the immediate context.” *See Exhibit C, p.51.* Commissioner Fontecchio continued further, “Yeah. And actually, to your point, I think it’s also important to look at when you look at those houses, whatever the context is, it’s not just the house, but it’s how does that house sit on its property? Because a lot of times these very simple boxy houses have a lot of breathing room around them. Whereas, a lot of times the Victorians, you know, are a little bit more nested into things.” *Exhibit C, p. 52.* He then continued in response to Ms. West, “The perception of a structure that’s like that [in the Federal style], versus a structure of the exact same width, that is [in the Victorian] – that just feels very different in terms of density on the street...maybe this

³ The Appellants seems to mislead the Board in their statement of facts by trying to present Ms. West as an expert on architectural design in historic districts. In this case, Ms. West was acting solely as the Applicant, not a third-party expert. Just like any other evidence, the PHDC could determine in their discretion what credence and weight to give her testimony in support of her own Application.

type of structure needs more breathing room than something that presents this way.” *Id.*, p. 56. Mr. Martin, PHDC’s staff member then stated, “So just for clarity, again, you’re looking for additional massing information?” Commissioner Lund: “Yes.” *Id.*, p. 56.

Along with their concerns regarding scale and mass, the Commission also raised concerns at the July meeting regarding the form and placement of the proposed buildings including their design uniformity and spacing. Ms. West explained that the buildings were meant to demonstrate an ABA pattern to mimic a larger estate house. *Id.*, p. 9. Commissioner Lund said, “[I]t just seems like if they were – if the spacing or something, it just feels a little like a subdivision. You know, everything is in exactly the same position.” *Id.*, p.16. Commissioner Sanderson stated, “I think the same concern about the main buildings looking too similar to each other so that it looks like a mini subdivision is a good point to make.” *Id.* p.19.

The full Commission then voted to continue the matter to the PHDC’s August 26, 2024 meeting for further massing, scale, and placement studies to be presented to address their concerns. *See* RIGL § 45-24.1-7. Notably, Commissioner Sanderson stated to the Applicant, “I hope you will share with your client there’s not a question as to whether it’s the [sic] developable property, but there is a question at least in my mind about whether it will turn out to be developable with the mass scale and siting that you’re showing tonight.” *Exhibit C*, p. 60.

Prior to the August 26th meeting the Commission received a letter from the City Forester indicating that there was a significant tree on the abutting property, 253 George Street, and that the Application as proposed failed to protect both the critical root zone as well as the tree protection zone of this significant tree.⁴ *See Forester Letter No. 1 attached hereto as Exhibit D.*

⁴ This finding regarding the significant sycamore maple tree rendered the Application non-compliant with zoning. *See* Ordinance § 1503.B.

The Applicant was made aware of this finding and requested a continuance to revise the Application to relocate one of the proposed garages. The Commission then rescheduled the revised Application to be heard at a special meeting on September 4, 2024, allowing time for revised materials to be prepared and disseminated by the Applicant as well as be evaluated by the Commission.

On September 4, 2024, the revised Application was heard by the Commission. The Commission considered the additional/revised materials submitted by the Applicant regarding scale, massing, form, and location of the proposed buildings in addition to a second letter and testimony from the City Forester. The Commission also considered substantial evidence in opposition to the Application including public comment and written materials submitted by several abutters, written material and expert testimony from Mr. David Schwartz, a license Rhode Island arborist, expert testimony from Mr. Jon-Paul Couture, a licensed architect and former member of the Commission, as well as testimony from Morgan Grefe, Executive Director of the Rhode Island Historical Society, and Councilman Goncalves, the Council's elected representative for the area—all of whom testified in opposition to the revised Application. Excerpts from this testimony include: Mr. Couture: "I do not in my professional opinion believe that this particular design is compatible with the neighborhood," *See Transcript of the September meeting attached hereto as Exhibit E.*, p. 41; Ms. Grefe: "So as I explained in the previous letter, we went through a process in 2013 ... looking at what was then vacant land ... after neighborhood conversations and meeting with experts in the field, looking at the massing of the area ... two lots where facing Benevolent Street would be appropriate;" *Id.*, p. 30-31; Councilman Goncalves, "... the plans continue to be in direct conflict with the district's character resembling more of a suburban subdivision rather and [sic][than] a diverse historic architecture that defines the area," *Id.*, p. 25. While the Applicant had

ample opportunity to present expert testimony on its own behalf, it chose not to and relied solely on the presentation by Ms. West.⁵

After reviewing all the materials and testimony presented, the Commission had a robust and extensive discussion as to whether or not a certificate of appropriateness should be issued for the revised Application. Commissioner Kaplan opined, “[t]he size, scale, and mass right now is, I think, way overstated. It looks to me like a group of row houses and very cookie cutter, also.” *Id.*, p. 84. Commissioner Sanderson agreed, “...I would join Neal in that sense of the primary houses ... I continue to be struck at this meeting at how much those three buildings as a unit are inconsistent with the architectural character of the district as a whole ... And so, part of what makes this development stand apart from the character of the district as a whole is the very symmetrical, very rigid uniformity of three buildings in a line. And as was pointed out in testimony that we heard just a few minutes ago, that is not duplicated anywhere in this district.” *Id.*, p.84. He continued, “And so I don’t think this current proposal that’s before us, relates very well either to nearby buildings on the street where it’s located or within the district as a whole.” *Id.*, p. 86.

Regarding the discussion of trees and landscapes (which the Appellants’ brief inaccurately portrays as the only discussion that took place), Commissioner Sanderson stated, “...there are not ... studied and documented formally designated historic landscapes. But that doesn’t mean that the general character of vegetated yards and tree canopy cannot be considered as part of the context, part of the setting for these buildings. The National Register of Historic Places makes a distinction between designated landscapes and landscape settings for buildings. And altering the

⁵ Several times in its brief, Appellants argue that the Applicant was somehow “ambushed” and did not have an opportunity to present evidence and/or experts on its behalf at the special meeting. *See* Appellants’ Brief, p. 19 and 22. This is blatantly false. The Applicant heard the concerns expressed by the Commission and several abutters at the July meeting. Also, the Applicant had both letters from the City Forester and the letter from the Rhode Island Historical Society prior to the special meeting. Further, the Applicant requested a continuance, and it was granted. The Applicant had plenty of opportunity to seek legal counsel and/or expert testimony prior to the September 4, 2024 meeting.

setting of a building can affect the character of the historic structure itself. So, it seems to me that the project as presented is not in keeping with the historic district. It meets the standard in our legislation as being incongruous with the historic architectural character of the district.” *Id.*, p. 87. Commissioner Dotson agreed, “Oh, I would just echo much of what Ted had to offer.” *Id.*, p. 88.

The Commission then moved with a vote of 4-to-1 to deny the certificate of appropriateness, citing PHDC standards 7 and 8.⁶ Regarding standard 7, the PHDC determined that the site features of the area and its surroundings, including vegetated yards, gardens and significant and mature trees, contributed to the historic character of the district, and thus the proposed alterations [in this case, the revised Application] affecting such features ought to be reviewed more stringently. Regarding standard 8, it determined the structures were incompatible in size, scale, and form, inappropriate with the adjoining area, as well as the historic district and the neighborhood; more specifically “[t]heir general scale and form are familiar and repeated throughout the area in various line languages, from the Federal to the early 20th century. However, in the Power-Cooke Street area, there are no buildings built of repetitive design with little to no variation between them, making the proposed construction incongruous and inappropriate to the district producing an adverse effect.” *Id.*, p.97.

The following appeal ensued. The Appellants makes three groundless arguments: (1) the PHDC committed prejudicial procedural error by holding the Applicant to standards applicable to final review rather than conceptual; (2) the PHDC exceeded its authority and purview by determining whether or not the property may be divided into three lots; and (3) the PHDC’s denial of conceptual approval was not supported by legally competent evidence. The PHDC refutes each argument in turn below.

⁶ The Appellants argue that the PHDC “struggled to reach any consensus.” *See* Appellants’ Brief, p. 14. On the contrary, the PHDC came to a solid consensus (4 to 1) to deny the certificate.

Standard of Review

In an appeal from a decision of the PHDC to the Board, the Appellants must demonstrate that the PHDC committed clear legal error, prejudicial procedural error,⁷ or that the weight of the evidence did not support the PHDC's findings and decision. The PHDC decision must stand so long as there is relevant evidence that a reasonable person would accept as adequate to support its conclusion. The Board "shall not substitute its own judgment for that of the commission, but must consider the issue upon the findings and the record of the commission." *See* RIGL § 45-24.1-7.2. "The credibility of witnesses and weight of the evidence is the sole prerogative of the [HDC]." *Coderre v. Zoning Board of Review*, 105 R.I. 266, 270 (1969).

The Board reviews questions of law *de novo*, and it applies the canons of statutory interpretation. Where the provisions of a statute, ordinance, or regulations are clear, it applies the plain and ordinary meaning. If the provisions are unclear or subject to more than one reasonable interpretation, "...the construction given by the agency, or [PHDC], charged with its enforcement is entitled to weight and deference, as long as that construction is not clearly erroneous or unauthorized ... even when other reasonable constructions of the statute are possible." *West v. McDonald*, 18 A.3d 526, 532 (R.I. 2011).

Argument

I. The HDC Did Not Commit a Prejudicial Procedural Error of Law by Holding the Appellant to Final Review Standards

The Appellants first argue that the PHDC committed prejudicial procedural error by holding the Applicant to review standards applicable to final review rather than conceptual review.

⁷ Procedural error is only "prejudicial" if it led the agency to make a different finding/decision or prevented specific facts or arguments from being presented and entered into the record. *See* definition of prejudice: "damage or detriment to one's legal rights or claims," *Black's Law Dictionary*, 2nd edition. *See also Sprague v. Zoning Board of Review of the Town of Charlestown*, 2004 WL 2813763 (R.I. Super. Ct. Sept. 21 2004).

This argument is inaccurate and confuses the minimal requirements of an applicant with the myriad considerations of the PHDC.

The PHDC standards outline several stages of review for new construction before the Commission. Specifically, regarding conceptual review, the standards read, “The applicant’s presentation should include identification of the use of the new structure, a statement of design philosophy and a conceptual design showing height, scale, roof form, setback, shape, rhythm, materials and major site elements.” *See Exhibit A*, p. 65. The standards set out the minimal requirements for an application to be considered complete at the conceptual review stage. It does not in any way limit what the PHDC may consider in its deliberations. In fact, there is nothing in the law or the PHDC standards that restricts what the Commission can consider in its review of a plan at any stage, which is perhaps why the Appellants state no case law in their argument.

Per state law, the Commission *must* consider the criteria outlined in the enabling legislation including (1) the historic and architectural significance of the structure and its appurtenances; (2) the way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and (3) the appropriateness of the general design, arrangement, texture, materials, and siting proposed in the plans, at all stages of review. *See RIGL § 45-24.1-(4)(d)*. And, while further design details are not required of the applicant at the conceptual stage other than those listed in the standards, more informative design details are also not prohibited. If they are provided by the applicant, the Commission, obviously, can consider them as well as any additional materials provided by the public.

The Appellants’ bizarre reading of the standards to restrict the Commission from considering its overarching statutory mandates throughout the process of review defies its plain language as well as common sense. For instance, if presented with an application with further

details of design and construction than specifically required, it would be impractical and absurd to prohibit the Commission from considering them as soon as presented. This helps prevent the frustration for an applicant of being granted approval at a conceptual stage and then denied approval at a final stage, stopping development plans abruptly in their tracks after significant time and expense.

The Appellants also seem to argue that conceptual review is so limited that the Commission is not even allowed to consider public comment or expert testimony presented at the hearing because it may “prejudice,” “pollute,” and/or “sidetrack” them to consider factors that are out of sequence. The Appellants state “[the commission’s] entire conceptual review was polluted with inappropriate information regarding factors that were sequentially not part of the conceptual review process.” *See* Appellants’ Brief, p. 22. Frankly, this is preposterous. The Commission is *required* to hold public meetings where “any person...is entitled to appear and be heard on any matter before the commission,” RIGL § 45-24.1-6, and the Commission is *required* to consider its statutory mandate. *See* RIGL § 45-24.1-4(d). Furthermore, the rules and regulations of the PHDC *require* that the Commission consider, among other things, “public comments from interested parties, abutters, etc.” *See Exhibit A*, p. 11., Rule 6.2. The Commission’s consideration of the evidence presented by the Applicant itself in its design renderings, as well as public comment and expert testimony, does not qualify as prejudicial procedural error, rather, quite the opposite. It prevents needless reviews, allows all evidence to be presented, and creates an open and fair forum for decisions to be made. Furthermore, there is no *prejudicial* harm in considering all of the information presented at the conceptual review phase if that same information, when presented at final plan stage, ultimately would result in a denial.

Regarding the so called “polluting” testimony from the arborists and/or preservationists regarding the significant and mature trees near and surrounding the property, the Appellants insist this is only relevant to approval of final plan when a detailed (and allegedly zoning compliant) landscaping plan would be presented by the Applicant. However, the Commission made it clear in their discussions and deliberations that they were considering the evidence regarding the trees and landscape in the context of standard 7 – as site features of the area that contributed to the historic character of the district, not in the context of zoning and/or zoning compliance. Naturally, the Commission can consider the testimony and evidence presented to them regarding the setting of this three-home development within the Power-Cooke district, and it certainly did not amount to a prejudicial procedural error.

Moreover, even without the consideration of the trees and foliage that may or may not be impacted by this particular development, the PHDC articulated specifically in their deliberations, motion, and Decision that the mass, scale, and design of the three house development as a whole was not compatible with the historic district for reasons separate and apart from landscape -- including that the very symmetrical uniformity and siting of the three buildings in a line was not duplicated anywhere in the district and did not relate well either to nearby buildings on the street or the district as a whole, well within the conceptual design phase of the project. *See Decision attached hereto as Exhibit F*, para. 13. Accordingly, the HDC did not commit a prejudicial procedural error of law.

II. The HDC Did Not Exceed its Authority Because It Did Not Make Any Determination Regarding the Subdivision of the Property

Secondly, the Appellants argue that the Commission somehow rendered a decision on whether or not the property could be divided into three lots, prejudicing the Appellants from

developing the land to maximize their profit. This, again, is false. Even the Appellants admit that no vote was taken on any subdivision, and there is no reference to it in the Commission's motion to deny, *see* Appellants' Brief, p.23, yet they still make this absurd argument.

Importantly, the PHDC's enabling legislation and statutory charge is separate and apart from land development and zoning. Its function is not to consider whether or not a subdivision application could/should be granted, or whether a project complies with the zoning ordinance, which is the charge of planning and zoning boards. Rather, the PHDC's charge is to consider whether or not new construction is appropriate in a historic district.

In this case, the PHDC rendered a decision only that the development as presented in this Application was not appropriate. Commissioner Sanderson stated, "I agree with others who have noted that the lot is certainly buildable. And I think appropriately designed buildings would be an improvement to the vacant lot. But I don't think this is that design." *Exhibit E*, p. 87. The Applicant could always present a new application to the PHDC with material changes to the mass, scale, form, design, and/or siting of the proposed buildings – and the Commission would render a new decision based on that application. It is true that the Commission several times rendered the opinion that two buildings on the property seemed to be more appropriate than three in the context of the Power-Cooke district: "The Commission is of the opinion that a redesign project for two buildings would have greater design flexibility and might be more compatible with the scale of the historic district." *See Exhibit F*, para. 15. However, this hortatory language is in no way limiting the Applicant from presenting another application with three buildings on the property to the Commission.

Furthermore, economic feasibility and/or the Applicant's profit margin is not material to the PHDC's determination. The Appellants complain that "a two lot development is not

economically feasible for the Applicant,” *see* Appellants’ Brief, p. 24. First, they blatantly ignore the fact that no evidence was presented at any time as to what was or was not economically feasible, and thus ask this Board to assume facts not in evidence. Second, they falsely state that economic feasibility is something that should have been considered by the Commission. *See* Appellants’ Brief, p. 24, footnote 1. In fact, economic feasibility does not factor into a decision by the PHDC unless it is regarding the preservation of a historic structure -- not applications for new construction, such as this one. *See* RIGL § 45-24.1-4(f).

The Appellants then preposterously claim that the PHDC’s Decision is tantamount to an unconstitutional “taking” of the owner’s land – by making said hypothetical third lot, in a subdivision application not before the Commission, unbuildable. This is laughable. It is common knowledge that property values are at a historic high and steadily increasing; it is absurd to argue in good faith that an owner trying to sell vacant, developable land on the East Side of Providence would not receive more than the value paid for it. If the owner/Applicant cannot develop the site in the manner desired, it can develop it differently, or it can sell it, presumably for significant profit.⁸ Furthermore, the existing two lots have not yet been subdivided, so any taking argument is premature. Currently, the owner/Applicant has two valuable, developable lots.⁹

In sum, the PHDC did not render any decision on the subdivision of this property. As the owner was well aware at the time of purchase, the property is located in the Power-Cooke historic

⁸ Non-categorical regulatory takings are analyzed using the three factors handed down by the United States Supreme Court in *Penn Central*: (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action. *Cranston Police Retirees Action Comm. v. City of Cranston by & through Strom*, 208 A.3d 557, 582 (R.I. 2019) (citing *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 124 (1978)). The Appellants have not briefed these factors, so the PHDC need not do so -- but submits the Appellants would fail on all three.

⁹ Acceptance of this argument presents an obvious slippery slope. Any and all applicants to the PHDC could claim that their property has been subject to an unconstitutional “taking” each time the PHDC votes not to approve a certificate of appropriateness. Recall, however, that the historic district enabling legislation has withstood constitutional challenge. *See Bellevue Shopping Center Ass. v. Chase*, 574 A.2d 760, 765 (R.I. 1990).

district, giving the PHDC jurisdiction to determine if proposed new construction on the property would be appropriate no matter how many structures are proposed. The PHDC's Decision was not unlawful or extra-judicial; nor does it result in an unjust taking.

III. The HDC's Denial of Conceptual Level Approval Is, Indeed, Supported by the Weight of the Evidence

Finally, the Appellants argue that the weight of the evidence in the record did not support the PHDC's Decision, but that is clearly and unambiguously not the case. The Appellants argue that Ms. West's testimony and the one dissenting vote from Commissioner Haggerty "make it abundantly clear that the size, scale, massing, roof form, setback, shape and rhythm all are compatible with the area." Appellants' Brief, p. 27. Again, Ms. West's testimony, as the Applicant, had no greater weight than any other testimony heard by the Commission, and Commissioner Haggerty's vote had no greater weight than that of any of the other commissioners. The majority of the testimony heard and weighed by the Commission was distinctly in opposition to the Application -- from the unprecedented uniformity of the design, placement, and massing of the buildings, to the effect on the setting and landscape of the historic district -- and the majority of the Commissioners, four out of five, voted against the project.

Not surprisingly, the Appellants' brief makes little mention of the standard of review in this case; but as the Board is aware, the PHDC Decision must stand so long as there is relevant evidence that a reasonable person would accept as adequate to support its conclusion. The Board "shall not substitute its own judgment for that of the commission, but must consider the issue upon the findings and the record of the commission." *See* RIGL § 45-24.1-7.2.

As demonstrated in the PHDC's factual review of this matter, there is ample evidence in the record that supports the PHDC's denial of this Application. An expert in historic district preservation, Mr. Couture testified: "There's no example of three houses being built at the same

time of nearly identical massing in a row with, you know, minor staggering and with three identical garages that are detached from the structure.” *Exhibit E*, p. 41. Commissioner Sanderson stated, “This is a district that’s characterized by an eclectic architecture with buildings of varying sizes ... there’s not a consistent pattern of either large or small houses. And so, part of what makes this development stand apart from the character of the district as a whole is the very symmetrical, very rigid uniformity of three buildings in a line. And as was pointed out in testimony just a few minutes ago, that is not duplicated anywhere in this district.” *Exhibit E*, p. 86. Commissioner Kaplan then reminded his colleagues, “I think one thing to note, there’s so much public testimony here and public outcry, and I think that should tell us something and really have some serious significance in what happens with this lot and this proposal. I think it’s important that we listen to that many people that are concerned and certainly in opposition.” *Exhibit E*, p. 91.

The Commission made the only appropriate Decision based on all the evidence; the project as presented was architecturally and historically incompatible with the historic district. It had an inappropriate size, scale, and form to the area, thus creating an adverse effect on the district as a whole. The Commission’s Decision must stand.

IV. Conclusion

In conclusion, the PHDC asks the Board to deny the Appellants’ Appeal and affirm the Decision of the PHDC denying a certification of appropriateness for the (revised) Application.

Providence Historic District Commission

By and through its attorney,

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25 November 2024

EXHIBIT A

PROVIDENCE HISTORIC DISTRICT COMMISSION

RULES AND REGULATIONS

*Adopted 10/28/91; Amended 12/16/91, 2/24/92, 7/26/93, 1/24/94, 7/25/94, 6/24/96,
1/28/02, 7/22/02 & 11/24/03*



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PROVIDENCE HISTORIC DISTRICT COMMISSION

RULES AND REGULATIONS

*Adopted 10/28/91; Amended 12/16/91, 2/24/92, 7/26/93, 1/24/94,
7/25/94, 6/24/96, 1/28/02, 7/22/02, 11/24/03 & 6/23/14*

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SECTION 1 – GENERAL PROVISIONS

- 1.1 **AUTHORITY:** These rules and regulations are adopted pursuant to Article V, Section 501 of the Providence Zoning Ordinance (Chapter 1991-29, No. 564, adopted 10/24/91), authorizing the Providence Historic District Commission (HDC) to adopt rules and regulations which are necessary to carry out its functions.
- 1.2 **PURPOSE:** To establish procedures for processing applications for Certificates of Appropriateness, for enforcement, and for the internal management of the HDC.
- 1.3 **GENERAL RULES:** The HDC shall be governed by the terms of Article V, Section 501, Historic District Zoning, of the Providence Zoning Ordinance (Chapter 1991-29, No. 564), and by the terms of R.I.G.L. 45-24.1 et seq., Historical Area Zoning.
- 1.4 **JURISDICTION:** Under Article V, Section 501 of the Providence Zoning Ordinance (Chapter 1991-29, No. 564), the HDC shall have the authority to regulate the construction, alteration, repair, demolition and moving of any structure or appurtenance which results in a change to the exterior of the structure and/or appurtenance within any Historic District in the City, as designated in accordance with the Providence Zoning Ordinance and shown on the official Zoning Map.

SECTION 2 – ORGANIZATION

- 2.1 **MEMBERSHIP:** The HDC shall be constituted in accordance with Article V, Section 501 of the Providence Zoning Ordinance (Chapter 1991-29, No. 564) and R.I.G.L. 45-24.1-3.
 - A. **Chair:** A Chair shall be appointed by the Mayor. The Chair shall preside over all HDC meetings and shall decide all points of order and procedure, unless directed otherwise by a majority of the HDC in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the HDC.
 - B. **Vice-Chair:** A Vice-Chair shall be elected by the HDC from among its members, by majority vote of its members, and shall be eligible for re-election. The Vice Chair shall serve as acting Chair in the absence of the Chair. At such times, the Vice Chair shall have all the same powers and duties as the Chair. The Vice Chair shall be elected at the first regular meeting of each calendar year.
 - C. **Deputy Vice-Chair:** A Deputy Vice-Chair shall be elected by the HDC from among its members in the same manner as the Vice Chair, and shall be eligible for re-election. S/he shall serve as acting Chair in the absence of the Chair and Vice Chair, and at such times shall have the same powers and duties as the Chair. The Deputy Vice Chair shall be elected at the first regular meeting of each calendar year.

- 2.2 STAFF: The Department of Planning and Development shall supply staff for the HDC's day-to-day operations, and a member of the staff shall serve as the secretary to the HDC. Staff shall not be eligible to vote upon any matter before the HDC. The duties of staff shall be as follows:
- A. Keep all records, conduct all correspondence of the HDC, provide public information, and handle the clerical and administrative work of the HDC;
 - B. Act as liaison between the HDC and all other agencies, departments and organizations to which it must relate in the conduct of its affairs;
 - C. Consult with applicants and property owners regarding the procedures, rules and regulations, and standards and guidelines of the HDC;
 - D. Prepare a written analysis of each application pending before the HDC, discussing the historical and architectural significance of the property, consistency of the proposal with standards and guidelines, preservation issues, and other pertinent information;
 - E. Issue in-house staff approvals for applications for Certificates of Appropriateness for in-kind replacement and repairs, and for other work as defined in the HDC standards and guidelines. The HDC may, by action at a public hearing, direct to staff the approval of any application. In-house staff approvals shall be consistent with the standards and guidelines. Staff may not deny an application, but shall refer such action to the HDC for a hearing; and,
 - F. Perform such duties and assume such other responsibilities as the HDC may from time to time direct.
- 2.3 RECORDS: The HDC shall keep written records of its meetings, deliberations, and decisions. The Secretary of the HDC shall have the primary responsibility for keeping the records. The HDC may also require a verbatim, recorded or stenographic record. All records shall be open to the public.
- A. Review of HDC Records: Requests to view the HDC's records shall be in writing. Records shall be made available within ten (10) calendar days of the receipt of the request. Copies of the records will be made available for a fee.
 - B. Minutes: Minutes of HDC hearings shall show the vote of each member on each question, including absences and abstentions. At minimum, minutes shall contain:
 - 1. A listing of HDC members present and absent;
 - 2. A listing of others present, specifically staff, city solicitor, public agency staff, applicants and/or representatives;
 - 3. Approval of the minutes of the previous meeting;

4. Summary of applications for Certificates of Appropriateness and the preservation issues presented, including a description of the relevant features of the building, structure or appurtenance which will be affected;
5. Summary of arguments and materials presented for each application, including supporting documents, objections and corrections;
6. Summary of HDC deliberations for each application, including all references to the HDC standards and guidelines used; and,
7. Findings of fact made, conclusions reached, and actions or motions taken on each application or other general business before the HDC.

2.4 OFFICE: The HDC's office shall be located in the Department of Planning and Development.

2.5 LEGAL COUNSEL: The City Solicitor's office shall be requested by the HDC to assist in all legal matters.

SECTION 3 – MEETINGS

3.1 REGULAR MEETINGS: The HDC shall establish a schedule of regular meetings for the calendar year and post it in the City Clerk's office and the Department of Planning and Development. Regular meetings shall be held on the fourth Monday of each month at 4:45 p.m. in the offices of the Department of Planning and Development or at such other day, time or location accessible to the public announced at least seven (7) days prior to the regular meeting. *[Amended 6/24/96.]*

3.2 BUSINESS MEETINGS: The HDC may hold a business meeting for the purposes of discussing standards and guidelines, rules and regulations, procedures, and such other business as may come before it, including any overflow of applications for Certificates of Appropriateness which could not be heard at a regular meeting because of time limits. Business meetings may be held during a regular meeting, or separately on the second Monday of each month at 3:30 p.m. at the offices of the Department of Planning and Development, or at such other day, time or location accessible to the public announced at least seven (7) days prior to the regular meeting. *[Amended 2/24/92.]*

3.3 SPECIAL MEETINGS: Special meetings of the HDC may be called at any time by the Chair. At least forty-eight (48) hours notice of the time and place of the special meeting shall be given by the staff or the Chair to each member of the HDC and shall be posted in the City Clerk's office and the Department of Planning and Development. *[Amended 11/24/03.]*

3.4 CANCELLATION OF MEETINGS: When in the opinion of the Chair there is good cause, the Chair may dispense with a regular meeting by giving notice to all members and all applicants

scheduled for the meeting, not less than twenty-four (24) hours prior to the time set for the meeting.

- 3.5 ATTENDANCE: The HDC shall advise the Mayor of any member of the HDC who fails to attend more than five (5) consecutive regular meetings and shall request that the position be declared vacant and a new member be appointed. Absences due to sickness, death, or other emergencies of like nature may be recognized as excused absences. The staff shall notify a member when s/he is approaching the maximum number of unexcused absences. When a member has exceeded the maximum number of unexcused absences, the staff shall notify the HDC. (Providence Home Rule Charter Article XII, Section 1202.)
- 3.6 CONDUCT OF MEETINGS: All meetings shall be open to the public. The order of business at regular meetings shall include:
- A. Call to order;
 - B. Roll call;
 - C. Approval of the minutes of the previous meeting;
 - D. Old business, including continued applications;
 - E. New business, including applications for Certificates of Appropriateness;
 - F. New business, including applications for Certificates of Appropriateness that are in response to a Notice of Violation;
 - G. Other Business, including Preliminary Applications, National Register of Historic Places Nominations, and any other pertinent HDC administrative actions; and,
 - H. Adjournment. *[Amended 11/24/03.]*
- 3.7 EXECUTIVE SESSION: For purposes authorized by the open meeting law, the HDC may on a motion duly adopted and for reasons stated on the record, adjourn to executive session.

SECTION 4 – PROCEDURES

- 4.1 PUBLIC HEARING: The HDC shall hold a public hearing on an application for Certificate of Appropriateness.
- A. Applications shall primarily be scheduled for a public hearing at the HDC's regular meeting on the fourth Monday of the month. The last application shall be heard at 7:00 p.m. unless a quorum of the HDC agrees that the meeting may carry on after that time. Applications not heard by 7:00 p.m. shall be rescheduled to a business meeting on the second Monday of the next month, unless the applicant agrees to a further extension. *[Amended 2/24/92.]*
 - B. Applications involving repair and in-kind replacement, or those items delegated to in-house review under the HDC standards and guidelines, shall not require a public hearing unless referred to one by the HDC staff.

- 4.2 NOTICE: Notice of the hearing shall be given to the applicant, property owner, and other persons listed on the application form, to abutting property owners, to the HDC members, and to other persons requesting notice, at least seven (7) days prior to the public hearing, by regular mail. The applicant shall supply the HDC with a list of the names and addresses of all abutting property owners from the most current records of the City Tax Assessor.
- 4.3 QUORUM: A majority of the duly appointed members shall constitute a quorum.
- 4.4 VOTING: The majority vote of the members making up the required quorum of the HDC at a duly noticed meeting shall be necessary to approve or disapprove of any plans before the HDC, or to amend these rules and regulations or the HDC standards and guidelines. Proxy voting is not allowed. *[Amended 1/28/02.]*
- 4.5 CONFLICT OF INTEREST: No HDC member shall take part in the consideration or determination of any application for a Certificate of Appropriateness in which s/he is a party or has a financial interest, except as noted in the Rhode Island Ethics Commission Advisory Number 8, dated November 30, 1989. It shall be the responsibility of the HDC member having a potential conflict of interest to disclose such conflict in writing and to recuse him/herself from participation in the discussion or the vote. Minutes shall state that the member has recused him/herself from consideration of the matter.
- 4.6 CONDUCT OF MEMBERS: Members of the HDC shall be discouraged from expressing individual opinions on the proper judgement of any application with any persons prior to the determination on that application, except in accordance with these rules.
- 4.7 SITE VISITS: A subcommittee of the HDC, or the staff, shall be available to meet on site with the applicant or his/her representatives at any time in the design process in order to advise them informally concerning the HDC's procedures and guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. The applicant shall agree, by signing the application, to allow the HDC, as a group or individually, or the staff to make site visits from time to time as deemed necessary.
- 4.8 ADVISORY OPINIONS: Outside a regular meeting, the HDC shall refrain from any indication of approval or disapproval, but shall not, for that reason, be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the HDC at a pre-application hearing, at a site visit, or at an informal meeting shall in any way be official or binding upon the HDC. Only the official vote of the HDC shall be binding.
- 4.9 APPEALS: Any person aggrieved by a determination of the HDC may appeal that decision within twenty (20) days of the date of the written resolution. Appeals are made to the Zoning Board of Review. *[Amended 7/26/93, 7/25/94.]*

SECTION 5 – APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS

- 5.1 APPLICATIONS: An application for Certificate of Appropriateness is required for any change which affects the exterior appearance of a structure or its appurtenances located in a historic district, including construction, alteration, repair, moving or demolition. An appurtenant feature is a feature other than a primary or secondary structure which contributes to the exterior appearance of a property.
- A. Application Categories: Applications may be accepted in the following categories:
1. New construction/additions;
 2. Alterations/minor modifications;
 3. Signage;
 4. Awnings/shutters and blinds;
 5. Site improvements;
 6. In-kind replacement/repairs;
 7. Demolition; and,
 8. Moving of structures.
- B. Preliminary Applications: An applicant seeking a Certificate of Appropriateness for new construction, additions or major alterations shall first file a preliminary application for Conceptual Approval from the HDC. The HDC shall use the same order of business as in reviewing Certificates of Appropriateness, and may grant or deny Conceptual Approval. Conceptual Approval shall provide that the applicant file an application for Certificate of Appropriateness for approval of final details.
- C. Pre-Application Hearing: An applicant may seek a pre-application hearing with the HDC when new construction, additions or major alterations are proposed. Such requests shall be submitted in writing. Staff shall review the pre-application request to determine if it warrants HDC review, and may accept the request. The HDC shall use the same order of business as in reviewing Certificates of Appropriateness, with the following exceptions:
1. No formal determination to approve or deny the proposal shall be made;
 2. The HDC may provide agencies of the City with advisory opinions, which shall identify preliminary preservation issues, and may suggest solutions; and,
 3. After a pre-application hearing the HDC shall provide the applicant with a written advisory. Advisory opinions shall be non-binding.
- 5.2 FILING OF APPLICATIONS: An application for a Certificate of Appropriateness must be filed in person and by appointment with the HDC staff at least twelve (12) calendar days before the regular meeting on the fourth Monday of the month, except in cases of demolition or economic hardship. Applications for demolition or economic hardship shall be filed at least thirty (30) and

no more than forty-five (45) calendar days before a regular meeting. All applications must be signed by the property owner and applicant. Applications must be accompanied by all documentation reasonably necessary to evaluate the proposal, including photographs, drawings, plans, or other information as requested by the HDC or staff. It is the owner/applicant's responsibility to submit all required documentation. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. *[Amended 2/24/92, 7/26/9 & 1/24/94.]*

- 5.3 ACCEPTANCE OF APPLICATIONS: In order for an application to be placed on an agenda, Staff shall make a provisional finding that the application is complete and may be placed on an agenda. Staff shall review all applications for completeness of documentation, according to minimum standards published in the HDC standards and guidelines. Incomplete applications will not be scheduled for a hearing. For compliance with R.I.G.L. 45-24.1-7, the HDC shall vote at the beginning of the hearing on each application, before any presentation or testimony begins, whether an application is complete and can be accepted. Upon acceptance and certification of completeness, the formal review period begins. The failure of the commission to act within forty-five (45) days from said date is deemed to constitute approval, unless an extension is agreed upon mutually by the applicant and the commission. In the event, however, that the historic district commission makes a finding of fact that the circumstances of a particular application require further time for additional study and information that can be obtained within the period of forty-five (45) days, then the commission has a period of up to ninety (90) days within which to act upon the application. *[Amended 2/24/92, 6/23/14.]*
- 5.4 ZONING VARIANCES: Projects which will require relief from the provisions of the Providence Zoning Ordinance (Chapter 1991-29, No. 564) shall obtain any necessary variances before an application for a Certificate of Appropriateness is filed. Written confirmation that all variances have been granted shall be submitted along with the application; however, the fact that a zoning variance has been granted shall not guarantee that the project will receive a Certificate of Appropriateness. Applications seeking Conceptual Approval may be exempted from this requirement. The HDC may also waive this requirement if the zoning issue is not related to the physical condition of the property or will not compromise the HDC standards and guidelines. Zoning status shall be determined by the Department of Inspection and Standards. *[Amended 7/26/93.]*

SECTION 6 – ACTIONS ON AN APPLICATION

- 6.1 REVIEW CRITERIA: In reviewing applications for Certificates of Appropriateness, the HDC shall use the criteria set forth in R.I.G.L. 45-24.1 et. seq., Article V, Section 501 of the Providence Zoning Ordinance (Chapter 1991-29, No. 564) and the Standards & Guidelines designated and approved by the HDC. The HDC may designate more explicit design standards and guidelines as it deems necessary. *[Amended 11/24/03.]*
- 6.2 CONSIDERATION OF APPLICATIONS: The applicant or his/her designated agent shall appear at the hearing on his/her application. All testimony shall be sworn. The order of business for

consideration of applications for Certificates of Appropriateness shall be determined by the Chair and may include the following:

- A. A staff report, project review comments and/or subcommittee report;
- B. A presentation by the applicant, including arguments and material in support of the application. The presentation shall present the material in a way that both the HDC and the public audience may hear, see and understand the verbal and graphic description of the proposed work and its impact on the features of the buildings, structures, appurtenances and historic landscape features of the property and the district in which it is located;
- C. Statements or arguments submitted by any official, commission or department of the City of Providence, any state agency, or any local historical, preservation or neighborhood organization;
- D. Public comments from interested parties, abutters, etc;
- E. HDC members' questions of the applicant, staff, or subcommittee concerning the application;
- F. A summary of the application, arguments and materials presented;
- G. After closing the hearing to public comment, HDC deliberation regarding a Certificate of Appropriateness, based upon evidence submitted, adopted Standards and Guidelines, and the impact of the project on the features of the buildings, structures, appurtenances, and historic landscape features of the property; and,
- H. Findings of fact, motion(s) to approve or deny the application, and voting.
[Amended 11/24/03.]

6.3 LIMIT OF TIME FOR TESTIMONY: The Chair may limit the amount of time allowed at a public hearing for verbal testimony regarding any application or other business before the HDC. Such limit shall be announced at the beginning of the hearing or before the hearing of an individual application. Written testimony may be submitted for HDC consideration in cases where verbal testimony is limited. *[Amended 2/24/92 & 11/24/03.]*

6.4 DETERMINATIONS: An application for a Certificate of Appropriateness may be approved, denied, or approved with amendments or conditions by the HDC. Motions to grant or deny a Certificate of Appropriateness shall include findings of fact and a specific reference to the review criteria under which the proposal has been judged.

- A. Resolutions: All decisions of the HDC shall be in writing. The HDC shall articulate and explain the reasons and basis of each decision on a record in the form of a Resolution. In the case of a decision not to issue a Certificate of Appropriateness, the HDC shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the

structure, appurtenances, or the district which the HDC has determined to be historically or architecturally significant.

B. Issuance/Receipt of a Certificate of Appropriateness:

I. Upon issuance of a Certificate of Appropriateness, the HDC or its designee shall:

1. Stamp three (3) sets of all application documents, including the application form and all plans and drawings. The documents will be dated, stamped and signed by the Chair or the staff as directed by the Chair.
2. Return two (2) sets of signed and stamped documents to the applicant along with a copy of the resolution. It is the responsibility of the applicant to file one (1) set of stamped and signed documents and a copy of the resolution with the Department of Inspection and Standards for the necessary permits.
3. Retain one (1) set of stamped and signed documents for the HDC files at the Department of Planning and Development.

II. Upon receiving a Certificate of Appropriateness, the applicant shall:

1. Obtain any necessary building permits; and,
2. Upon the completion of the project as specified in the Scope of Work, shall complete a Confirmation of Work Completed form and shall submit it to HDC staff for approval. Failure to do so before the expiration of the Certificate of Appropriateness expires will result in a Notice of Violation being issued for work done not in compliance with the Certificate of Appropriateness, and a lien being placed on the property;
 - a. If work specified in a Certificate of Appropriateness is not undertaken before the Certificate of Appropriateness expires, a letter shall be sent to the HDC requesting an extension, or informing the HDC that the project shall not be undertaken. *[Amended 11/24/03.]*

- C. Conditional Approval: The HDC may issue a Certificate of Appropriateness/Conditional Approval where an application would otherwise be approved except that one (1) or more necessary city, state or federal agency approvals are pending. If other necessary approvals are not obtained within 180 days of the Conditional Approval, then the Certificate will become null and void and a new application will be required to proceed with the project. If other agency reviews result in changes to the project approved by the HDC, then those changes shall be brought back to the HDC for approval. *[Amended 12/16/91.]*

6.5 FAILURE TO ACT

A. Automatic Approval: The failure of the HDC to act within forty-five (45) days from the date of the acceptance of a completed application in accordance with these rules and regulations shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the HDC.

B. Extensions:

1. In the event that the HDC shall make a written finding of fact within this forty-five (45) day period that a particular application requires further time for additional study and information, then the HDC shall have a period of up to ninety (90) days from the date of acceptance of a completed application within which to act on such application.
2. Nothing in this section shall be construed to prevent the applicant and the HDC from mutually agreeing to an extension beyond the ninety (90) days.

6.6 MODIFICATIONS TO A CERTIFICATE OF APPROPRIATENESS: Changes to a project after a Certificate of Appropriateness is issued shall require a new application for Certificate of Appropriateness. Such application shall be submitted before construction of the changes begins, unless the HDC determines at a pre-application hearing that a full application is not required. New applications will be reviewed in accordance with these rules and regulations and the Providence Zoning Ordinance. Any change not so approved shall be deemed a violation of the Certificate of Appropriateness and of the Zoning Ordinance.

6.7 MODIFICATIONS TO AN APPLICATION: A pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the HDC. Such request shall include a description of the proposed change and shall be accompanied by elevations, plans, photographs and/or sketches as necessary. If an application is modified, it shall be considered a new application and shall be handled in accordance with these rules and regulations.

6.8 EXPIRATION OF A CERTIFICATE OF APPROPRIATENESS: Any Certificate of Appropriateness granted by the HDC shall expire one (1) year after the date of the approval, unless the applicant shall, within the one (1) year, obtain a legal building permit and proceed with construction, or obtain a certificate of occupancy when no legal building permit is required. The HDC, upon written request and for cause shown prior to the expiration of the initial one (1) year period, may renew the Certificate of Appropriateness for a six (6) month period. An applicant's failure to act within the six (6) month extension shall cause the Certificate to become null and void and will require the applicant to file a new application with the HDC. *[Amended 7/22/02.]*

6.9 RESUBMITTAL OF A DENIED APPLICATION: An application for Certificate of Appropriateness which has been denied by the HDC shall not be heard again for a period of one (1) year from

the date the application was denied, unless the majority of the HDC present at a meeting agrees to waive this requirement.

6.10 RECONSIDERATION OF A DENIED APPLICATION: An applicant may request the HDC to reconsider its decision on an application. Such request may be made before the end of the meeting at which the decision was made, or afterwards in writing within a period of one (1) year from the date of the decision. The order of business for reconsideration of applications for Certificates of Appropriateness which have previously been denied shall be as follows:

A. The Chair shall entertain a motion from a member of the HDC that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the HDC to determine whether or not there has been substantial change in the facts, evidence or conditions relating to the application; provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence if the HDC decides to reconsider the application.

After receiving the evidence, the HDC shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the HDC finds that there has been such a change, it shall treat the request as a new application.

SECTION 7 – ENFORCEMENT

7.1 ENFORCEMENT: Enforcement of HDC jurisdiction and decisions shall be through the Director of the Department of Inspection and Standards, in accordance with Article VIII of the Providence Zoning Ordinance.

7.2 VIOLATIONS: Any exterior work to a structure or appurtenance within a historic district, which proceeds without a Certificate of Appropriateness from the HDC, or which does not comply with the provisions of a Certificate of Appropriateness, shall be deemed a violation of the Providence Zoning Ordinance (Chapter 1991-29, No. 564). Work in progress or already completed without a Certificate of Appropriateness may be deemed a violation.

7.3 PROCEDURES:

A. Any person may report a violation to the HDC.

B. Staff will confirm that the work is a violation and report it to the Department of Inspection and Standards; if the work is in progress, staff will request the Department of Inspection and Standards to issue a stop-work order.

C. Whether the work is in progress or already completed, staff will contact the property owner to request that an application for Certificate of Appropriateness be filed within 30 days.

- D. The HDC shall review the application in accordance with these rules and regulations; any modifications required to bring the work into compliance with the standards and guidelines shall be made conditions of approval, and a deadline for completion shall be set.
- E. Failure of the property owner to file an application for a Certificate of Appropriateness within thirty (30) days, or to correct the violation as directed within the deadline set by the HDC, shall cause the matter to be referred to the Department of Inspection and Standards for enforcement.
- F. If the HDC issued conditions of approval for work done in violation, staff shall inspect the property to confirm that the violation has been corrected. If so, staff shall inform the Department of Inspection and Standards that the violation may be dismissed.
- G. Written records of all violations shall be kept in the HDC's files.

SECTION 8 – AMENDMENTS AND SEVERABILITY

- 8.1 AMENDMENTS: These rules may be amended at any time by an affirmative vote of the HDC.
- 8.2 SEVERABILITY: The provisions of these rules and regulations are severable; if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of these rules and regulations.

PROVIDENCE HISTORIC DISTRICT COMMISSION



STANDARDS AND GUIDELINES

for the

ARMORY, BROADWAY, COLLEGE HILL,

NORTHERN ELMWOOD, SOUTHERN ELMWOOD

AND STIMSON AVENUE HISTORIC DISTRICTS

This publication was financed in part by a Certified Local Government grant administered by the Rhode Island Historical Preservation and Heritage Commission. The Certified Local Government program receives federal funds from the U.S. Department of the Interior, National Park Service. However, the contents and opinions expressed do not necessarily reflect the views or policies of the Department of the Interior.

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PROVIDENCE HISTORIC DISTRICT COMMISSION

STANDARDS AND GUIDELINES

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ARMORY, BROADWAY, COLLEGE HILL,

NORTHERN ELMWOOD, SOUTHERN ELMWOOD

AND STIMSON AVENUE HISTORIC DISTRICTS

Adopted January 24, 1994 · Amended March 24, 1997

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INTRODUCTION

The Providence Historic District Commission (PHDC) was established by City Council in 1960 to safeguard and preserve buildings and districts which reflect elements of the City's cultural, social, economic, political and architectural history. The PHDC reviews all proposed work affecting the exterior appearance of any structure, site or its appurtenances, including construction, alteration, repair, moving, demolition and signage, within the historic districts. ***A certificate of appropriateness is required before commencing any exterior work in the historic districts. Building permits for exterior work in local historic districts cannot be issued without a certificate of appropriateness.***

These Standards and Guidelines have been adopted (in accordance with R.I.G.L. 45-24.1-10 and Chapter 1991-29, No. 564, Section 501.3.C of the Providence Zoning Ordinance) to assist the property owner and the PHDC in processing applications for Certificates of Appropriateness.

The intent of the Standards and Guidelines is to guide the inevitable changes to the exteriors of structures and sites within the City's designated historic districts. The most important features of historic buildings are roofs, exterior walls, windows and their openings and trim, doors and entries, porches, steps, stairs, railings, foundations, fences, storefronts, signage and setting. As each historic structure and its site is unique, each application is considered on its own merits in accordance with these Standards and Guidelines.

REVIEW PROCEDURE

1. **Consult with PHDC Staff.** Owners contemplating exterior changes to their properties should contact the PHDC staff at the Department of Planning and Development, 400 Westminster Street, Providence, Rhode Island 02903, telephone (401) 351-4300 (TDD 751-0203). Site visits with staff are required for all applications.
2. **File an application for a Certificate of Appropriateness.** An application is required for ALL exterior projects, whether or not a building permit is necessary. Applications must be accompanied by documentation (photographs, drawings, written specifications and other information) sufficient to

illustrate the proposal and its impact on the property. Documentation checklists for various types of projects are included in these Standards and Guidelines. Documentation must be complete in order to begin review of an application; if either the PHDC or its staff determines that additional information is needed, the applicant will be informed in writing.

Applications to be reviewed at a public hearing must be *filed at least 14 days in advance* of a regularly scheduled PHDC meeting in order to be scheduled for review. (New Construction and Demolition projects, and Economic Hardship claims, have different filing deadlines and review procedures; see specific guidelines.) Hearings usually occur on the fourth Monday of each month at 4:00 p.m. in the 4th floor conference room at the Department of Planning and Development. Check with staff regarding specific filing deadlines and hearing dates.

Any necessary **zoning variances** (e.g. for new construction, alterations, signs and paving) should be obtained prior to filing an application for Certificate of Appropriateness. The PHDC may hear an application for conceptual approval of a project, with final review to follow the granting of zoning variances; however, obtaining a zoning variance does not guarantee PHDC approval of a project. It is the applicant's responsibility to find out whether a zoning variance is needed and to obtain one. Contact the Zoning Board of Review at 401-421-7740 (TDD 401-751-0203) for more information.

3. **Application is reviewed.** How an application will be reviewed depends on the proposed scope of work (see “Application Categories,” below). Routine repairs and minor projects are generally reviewed in-house by staff within a few days from the filing of a completed application; however, if staff cannot approve an application normally reviewed in-house, the application will be referred to the PHDC for review. All major alterations, new construction, demolition and moving of structures are reviewed by the PHDC at a public hearing.

Applicants should attend the hearing or send a representative who is familiar with the project and able to negotiate with the PHDC. At the hearing, all those intending to speak about the application are sworn in. The applicant presents the proposal and discusses it with the PHDC. Public comment is invited. At the end of the discussion the PHDC votes whether to approve the application as submitted, to approve with conditions, or to deny the application. The PHDC may also vote to continue the hearing if further information or study is needed.

4. **Decision is issued.** For projects approved in-house by staff, a Certificate of Appropriateness is issued and can be picked up, along with approved (stamped) drawings at the Department of Planning and Development (400 Westminister Street, Providence). It is the applicant’s responsibility to find out whether a building permit is needed and to obtain the necessary permits at the Department of Inspection and Standards (190 Dyer Street, Providence). Applicants whose projects are reviewed at a public meeting receive a written resolution describing the PHDC’s decision and the reasons behind it. If an application is approved, all conditions of approval must be met by the applicant before a Certificate of Appropriateness and approved (stamped) drawings can be picked up at the Department of Planning and Development (400 Westminister Street, Providence) or are sent to the applicant or their representative. ***If an application is denied, the project may not proceed.***

Any PHDC decision may be appealed to the Zoning Board of Review within 30 days of the date of the written resolution. The Zoning Board examines the record of the hearing to determine if the PHDC had enough evidence to make its decision, and if any errors were made in the hearing process; it cannot

substitute its own judgement on the merits of the application for that of the PHDC. Further appeal may be made to Superior Court.

APPLICATION CATEGORIES

The following projects are reviewed by the PHDC at a public hearing, in accordance with the Standards and Guidelines:

- **Alterations:** Changes in materials, design, dimensions, configuration, texture and visual appearance, including changes required by building, housing, fire and barrier-free access codes, lead paint laws and other regulations. (Some minor alterations are reviewed by staff or exempt from review, as noted below.)
- **New construction:** New buildings or structures of any kind, or additions to existing structures.
- **Demolition:** The partial or complete destruction of any building or structure.
- **Moving of structures:** Relocation of any structure that is moved within its current lot, brought into the district from an outside site, moved from one site to another within the district, or moved out of the district altogether.

The following projects may be reviewed in-house by staff, without a public hearing, in accordance with these Standards and Guidelines. Staff may not deny an application; therefore, in certain circumstances, the staff may determine that an application normally reviewed in-house must go before the PHDC for a full hearing.

- Repairs, In-Kind Replacement and Restoration
- Awnings
- Fences and Gates
- Mechanical and Electrical Equipment
- Shutters and Blinds
- Signs
- Site Improvements
- Storm/Screen Windows and Doors

GENERAL STANDARDS

Complying in intent with the Secretary of the Interior’s Standards and Guidelines for Rehabilitation, these Standards and Guidelines pertain to buildings of all occupancy and construction types, sizes and materials. They apply to permanent and temporary construction on the exterior of existing buildings within the historic districts, as well as new construction. The PHDC cites one or more of these standards in each decision it makes on an application.

1. Original or historically significant materials and/or features of a structure or site shall be maintained and repaired rather than replaced whenever possible.
2. If replacement of existing materials or features is necessary, the new feature shall match the old in design, color, texture and other visual qualities.
3. Replacement of missing features should be based on historical, documentary, physical or pictorial evidence.
4. Minimal alteration of the building, structure, site or environment shall be made.
5. Each property shall be recognized as a product of its own time. Alterations that seek to create a false sense of historical development shall be discouraged.
6. Changes to a building or site which have taken place over time are evidence of its history and development. Those changes that have acquired significance in their own right shall be recognized and preserved.
7. Where historic architectural or site features are determined by the Commission to contribute to the historic character of the property or the district, proposed alterations or additions affecting such features shall be reviewed more stringently.
8. New additions, exterior alterations or new construction shall not destroy historic materials or general features that characterize the property. The new work may be differentiated from the old and shall be compatible with the massing, size, scale and architectural features of the property and the surrounding neighborhood, to protect the historic integrity of the property and the site.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if removed in the future, the essential form and integrity of the structure and the site would be unimpaired.

Applicants should also refer to PHDC design guidelines for specific application categories.

EXEMPTIONS FROM REVIEW

A number of appurtenant features are *generally not reviewed* by the PHDC. Nonetheless, the visual character of these elements contributes to the overall character of a building and the surrounding historic district. The following is an attempt to guide the property owner in making appropriate and sensitive choices:

1. **Flags:** Municipal, state, U.S. and foreign national flags may be installed on poles attached to a building facade or in a front, side or rear yard. Flagpoles or brackets attached to buildings should be located so as not to damage or obscure significant architectural features. Flags may be illuminated provided the lighting is directed toward the flag and does not spill over onto neighboring properties or the public way; electrical conduit should not be exposed.
2. **Hardware and electrical devices:** Door hardware should be compatible with the size and finish of the original examples. Buzzers, intercoms and mailboxes should be located within a recessed entry vestibule whenever possible. Small louvers, registers, exhaust fans, alarm devices, cable boxes, utility meters and other mechanical and/or electrical devices should be

- mounted only on inconspicuous locations and painted in such a manner to conceal them, whenever possible and permitted. *Through-wall louvers and exhaust fans requiring an opening exceeding 2 square feet in area will require an application for Certificate of Appropriateness and a hearing before the PHDC (see “Major Alterations” guidelines).*
3. **Garden furnishings and lawn irrigation systems:** Ornamental statuary, portable planters and urns, lawn furniture, playground equipment, hose bibs, above- or below-ground sprinklers, dog houses, bird houses and birdbaths, etc. are not reviewed. Prefabricated storage sheds (smaller than 20 square feet and less than 6 feet tall) may be installed without review in rear yards only; *larger sheds or alternative locations shall require an application for Certificate of Appropriateness and a hearing before the PHDC (see “New Construction” guidelines).*
 4. **Lighting:** Light fixtures should be appropriate to the style of the building and not overly large or glaring. If exposed conduit must be used, it should be painted to match the background material. Simple period fixtures of appropriate size and design, or unornamented modern fixtures, can be compatible in a historic district. Exterior flood and spotlights should be unobtrusive and should minimize spill-over of light to abutting buildings.
 5. **Paint color:** Paint color on wood, metal and previously painted masonry building surfaces is not reviewed, although technical information on period colors and surface preparation is available upon request. *Chemical, mechanical and abrasive methods of paint removal and the painting of previously unpainted masonry surfaces will require an application for Certificate of Appropriateness (see “Repair, In-Kind Replacement and Restoration” guidelines).* The painting of murals on wood, metal or previously painted masonry surfaces is not reviewed provided the mural’s content and purpose is artistic rather than commercial; *however, painted signs require an application for Certificate of Appropriateness (see “Signs” guidelines).*
 6. **Plant materials:** Installation, replacement or removal of trees, shrubs, hedges and plants is not reviewed *except where part of a historic landscape (see “Site Improvements” guidelines).* Trees and shrubbery should not be placed next to the building foundation, since this could lead to deterioration of the building fabric. Climbing plants may also cause deterioration of exterior wall surfaces.
 7. **Portable window air conditioners:** Seasonal window air conditioners should be installed on secondary elevations within existing window openings. *Through-wall air conditioners will require an application for Certificate of Appropriateness and a hearing before the PHDC (see “Major Alterations” guidelines).*
 8. **Security grilles:** Metal security grilles should be simple in design and sized to fit fully within the window opening. They should be painted a dark color, and the horizontal rails should have pierced and not overlapping welded joints. Grilles should be mounted within the reveal of the window and secured. Interior grilles should be considered for storefronts, although exterior security shades or roll-down grilles may be installed.
 9. **Signs for handicapped access:** Signs directing users to an accessible entrance or parking space should be installed to avoid damaging or obscuring significant architectural features, while conforming to the State Building Code Commission’s Accessibility Standards (ADAAG). See “Barrier-Free Access” guidelines for more information.
 10. **Temporary signs:** Temporary signs, including sale advertisements, political signs, banners, real estate signs, sidewalk sandwich boards, etc. should be designed and located so as not to damage or obscure significant architectural features. See Section 602.6 of the Providence Zoning Ordinance for regulations regarding size and duration of temporary signs.
 11. **Window boxes:** Wooden window boxes for plants should be painted. The size should match the width of the window opening.

REPAIRS, IN-KIND REPLACEMENT AND RESTORATION

Proper, regular maintenance is encouraged for all structures in a local historic district. All exterior repairs, no matter how minor, are subject to review and require a Certificate of Appropriateness from the PHDC, regardless of whether a building permit is required. Repairs ordered by another regulatory agency (e.g. repairs ordered by the Department of Inspection and Standards to correct housing code violations) are also subject to review. Repair projects are generally reviewed in-house by staff, without a public hearing.

DOCUMENTATION REQUIRED

See page 13

DEFINITIONS

Repair

Work meant to remedy damage or deterioration of a structure or its appurtenances, which will involve no change in materials, dimensions, design, configuration, texture or visual appearance.

In-kind replacement

Replacement of an architectural feature, damaged or deteriorated beyond repair, where the new feature will match the feature being replaced in design, materials, dimensions, configuration, texture and visual appearance.

(Replacement features which will differ from the existing in design, materials, configuration, texture, dimensions and other visual qualities shall be reviewed by the PHDC as an alteration; see “Major Alterations” guidelines.)

Restoration

Re-creating an original architectural element so that it closely resembles the appearance it had at some previous point in time, based on historical, documentary, physical or pictorial evidence.

GENERAL

Deteriorated architectural features should be repaired rather than replaced wherever possible; repair is often cost effective and conserves original historic materials.

If replacement of a historic architectural feature is necessary, the new feature should match the existing as closely as possible in materials, dimensions, design, color, texture and other visual qualities. Replacement in kind of inappropriate elements is permitted, but applicants are encouraged to seek more appropriate solutions.

Restoration of missing historic features, or of original or historical conditions, should be substantiated by documentation (e.g. historic photographs, drawings, physical evidence). Where existing features are not appropriate to the historic structure, and documentation exists as to the original condition, then restoration or reconstruction of the original feature may be reviewed by staff without a public hearing.

COMMON REPAIR/ REPLACEMENT ISSUES

The following guidelines attempt to address the most common repair/ replacement issues in the historic districts. If your project is not listed here, check with PHDC staff about appropriate guidelines.

Exterior Wood *[Amended 3/24/97]*

The decorative patterns, spacing, beaded edges and visual texture of wood shingles and clapboards are character-defining features of historic buildings which should be retained and preserved.

Shingles and clapboards should be repaired wherever possible, and if replacement is necessary they may be replaced to match. Wood trim elements such as corner boards, brackets, belt courses, window and door surrounds, moldings and other decorative features should likewise be repaired or replaced to match.

Wood features should not be stripped of paint to bare wood if they were painted historically; paint protects the surface from moisture and light.

New wood should have a moisture content of less than 20% before installation and finishing, to minimize

the chances of uneven shrinkage, warping, splitting, checking or failure of finishes.

The removal of existing artificial sidings and restoration of original siding materials and details is encouraged.

Pressure treated wood [*Amended 3/24/97*] Treating wood with a high-pressure application of chromated copper arsenate can protect against rot and insect damage, and can also prolong the life of paints, stains and water repellents.

Pressure-treated lumber should be used when replacing wooden elements that are prone to decay, such as structural elements or those features that touch the ground.

Non-structural elements that traditionally are finished with paint or stain, such as deck floors, newel posts and caps, porch lattices and decorative details may also make use of pressure-treated wood. *However, pressure-treated wood is not recommended for handrails, porch railings or balusters due to its tendency to warp.*

If pressure-treated wood is used, be aware that it can have a moisture content as high as 75% on delivery, so it may need to be air dried for several weeks before installation and finishing to minimize shrinking, warping, splitting, checking or failure of finishes. Wood stamped “S-DRY” (sun-dried), “MC15” (moisture content less than 15%), “KD” (kiln dried) or “KDAT” (kiln-dried after treatment) has already been dried and can be finished immediately.

Non-structural elements should also be properly finished with a top-quality paint, stain or water repellent (as appropriate) as soon as they have dried to a moisture content of between 8% and 14%.

Where pressure-treated wood is approved for non-structural elements,

approval shall be with the provision that if the pressure-treated elements shrink or warp unacceptably as determined by the HDC or the staff, the property owner will be required to replace the pressure-treated elements with a higher grade of untreated wood.

Masonry

Brick, stone, stucco and concrete should be repaired with a material closely matching the existing in color, texture and dimension; patching materials should have integral color.

Surface coatings: Sealers and water-proofers are not encouraged, as they can trap moisture within walls and lead to further deterioration; however, they may be permitted in cases of severe deterioration, provided they do not change the color of the masonry or leave a shiny residue. Test patches or material samples may be required.

Masonry that has not previously been painted should not be painted unless deterioration has progressed so far that a protective surface coating is needed. In such cases, use a breathable masonry paint in a color consistent with the natural masonry. Masonry that has previously been painted may be repainted; colors should be consistent with natural masonry colors.

Repointing should preserve original mortar colors and joint profiles; samples may be required. Old mortar should be removed by hand to avoid damaging the surrounding masonry. On 18th and 19th century brick buildings, the soft brick can be damaged by mortars with high concentrations of portland cement; repointing mixes should include a high lime content.

Cleaning methods can damage historic materials and remove the

irreplaceable patina of age. Buildings should be cleaned only when necessary to halt deterioration or to remove heavy soils.

Use the gentlest method possible: usually detergent and a low pressure water wash (under 600 pounds per square inch), and scrubbing with natural bristle brushes, will clean surface soils. All cleaning methods should be tested in an inconspicuous location on the building to make sure no damage will ensue.

Chemical cleaners should be used with care: determine the weakest possible solution which will do the job without damaging historic materials, and neutralize afterwards.

Abrasive mechanical cleaners, such as sandblasting, rotary sanding disks and rotary wire strippers are not permitted because they can erode masonry surfaces and shred wood surfaces, leaving pits and scars and increasing the chance of water damage.

Check with the R.I. Department of Environmental Management’s Division of Air Resources at (401) 222-2808 about requirements for containing residues and airborne particles resulting from some cleaning methods.

Paint Removal / Lead Paint

Painted surfaces require periodic maintenance, but stripping all paint off of a historic structure is often unnecessary. Removing trouble spots, priming and repainting with one (not thick) layer of new paint will often suffice. Stripping paint can damage wood and masonry materials and remove evidence of early paint schemes, resulting in a loss of important information about the history of the structure. Furthermore, paint removal can also contribute to lead contamination.

Lead in water, dust, soil and paint is hazardous to adults and children, particularly pregnant women and

children under 6 years of age. Lead was a common ingredient in architectural paints until 1978, and many historic structures have lead-based paint. In response to the Lead Poisoning Prevention Act of 1991, the R.I. Department of Environmental Management has developed Air Pollution Control Regulation No. 24, “Removal of Lead-Based Paint from Exterior Surfaces.”

The regulation, designed to reduce environmental lead levels, requires that exterior surfaces painted with lead-based paint be maintained or encapsulated to prevent peeling, flaking and chalking; that lead-based paint be eliminated from exterior friction surfaces of windows and doors; and that precautions be taken when removing lead-based paint. *It is important to note that Regulation No. 24 does not require that all lead-based paint be removed from the exterior of a historic structure.*

Compliance with Regulation No. 24’s requirements for notification, site preparation, approved removal techniques and site clean-up is required of all persons conducting any lead-based paint removal. Contact DEM’s Division of Air Resources at (401) 222-2808 for more information. (For information about removal of lead-based paint from interior surfaces, contact the R.I. Department of Health, Office of Environmental Health Risk Assessment, at (401) 222-3424.)

From the perspective of environmental safety and historic preservation, the least damaging method of preparing a painted surface for repainting is to wet the surface with water and then to hand-scrape and hand-sand failing paint layers, down to a sound layer (dry manual scraping and sanding are not permitted).

Other acceptable methods of paint removal include heat guns or heat plates (temperatures not to exceed 1000

degrees F.), non-flammable chemical paint removers (strippers containing methylene chloride or hydrochloric acid are not permitted).

Thermal methods should only be used by experienced personnel due to the fire hazard. Chemical paint removers should be tested in an inconspicuous location to make sure the solution will not burn, stain or otherwise damage the underlying surface.

Mechanical and abrasive removal techniques, including grit blasting, high-pressure water and rotary disc and wire sanders can severely damage wood and masonry substrates and are not permitted; however, abrasive methods may be used on cast iron and other metals in conjunction with required vacuum equipment and High Efficiency Particulate Air (HEPA) filters. In all cases, dust and debris must be contained and disposed of properly.

The installation of metal panning on window sills, or of vinyl or aluminum siding on wall surfaces, for the purpose of encapsulating elements painted with lead-based paint is discouraged and will require review by the PHDC at a public hearing; see “Major Alterations” guidelines.

Porches and steps

Original materials, configurations, designs and dimensions should be retained. Railings should have a molded cap and balusters inserted between a top and bottom rail; pressure treated wood should not be used for railing balusters because of its tendency to warp and twist. Nosing profiles on original stair treads should be retained.

Pressure treated wood may be used for substructures, porch decks and steps; exposed elements should be painted or stained as soon as possible.

Roofing and gutter systems

Original roofing materials should be

retained, repaired and preserved wherever possible. Replacement in kind is encouraged where replacement is necessary; original historic materials, shapes, colors, patterns and textures should be matched.

Roof colors should be medium to dark in tone, should complement the building’s color and define the outline of the roof against the sky.

Asphalt roof shingles are not encouraged as a replacement material for slate. Rolled rubber roofing is an acceptable substitute for tar and gravel roofs.

A weather-tight roof with a functioning water run-off system is essential to the preservation of the entire structure. Regular maintenance of gutter systems is encouraged. Built-in gutters should be retained wherever possible, as they are character-defining features of certain architectural styles such as Greek Revival, Italianate and Mansard.

Existing original materials such as wood or copper should be maintained and preserved, but may be replaced in kind. New copper flashing, gutters and downspouts may be allowed to weather naturally, but aluminum gutters, downspouts, leaders and flashing should be painted to blend in with the color of the building, to reduce their visibility. Vinyl gutters may replace aluminum gutters, provided the profile is consistent with the existing and the color matches the background color of the building; vinyl or PVC downspouts with a round profile are not appropriate.

Proposed alterations to roof forms and the installation or removal of cresting rails, balustrades, finials, cupolas, monitors, chimneys, head-houses, roof decks and other rooftop elements will be reviewed by the PHDC at a public hearing; see “Major Alterations” for documentation requirements.

Appropriate and inappropriate railings

In replacement porches and steps, original materials, configurations, designs, and dimensions should be retained. Additionally, the spacing between balusters is mandated by building code.



▲ **Appropriate** Balusters at appropriate distances; typically spaced at 4" on center. Cap on railing posts.



▲ **Inappropriate** Metal pipe railing. Lack of detailing on column and railing. No visual support for column. No stair nosing.



▲ **Inappropriate** Balusters are too far apart. No visual support for column. No cap on railing post. Lack of molding on roof. Lack of detail on column.

Appropriate and inappropriate porches



▲ **Appropriate** Brick or wood columns with infill.



▲ **Inappropriate** Support for columns has been covered over.



▲ **Inappropriate** Brick or wood columns without infill.



▲ **Inappropriate** Cinderblock porch base.

Windows and doors

Windows: The number, location, size and glazing patterns of original windows, as well as unique features such as curved or bent glass, stained glass, leaded glass and unusual shapes, should be retained and preserved wherever possible.

Windows may often be repaired rather than replaced; even if some windows are deteriorated, it is seldom necessary to replace all windows in a building. Historic wood windows that are properly repaired, caulked and weatherstripped, and provided with well-fitted storm windows, can be as energy efficient as new thermal (double glazed) windows.

Where replacement is necessary due to deterioration, new windows should match the originals in materials, design, dimensions, configuration and

number of panes. Avoid replacement windows that don't fit the original window openings.

(If an interior ceiling must be dropped below the height of a window, provide a setback in the ceiling design to allow the full height of the window opening to be preserved.)

Muntins dividing panes of glass in original windows should be retained: multi-pane replacement windows should have true divided lights (muntins penetrating the glass); applied muntins and muntins sandwiched between panes of glass are not acceptable. Double glazing may be acceptable if the muntin widths and profiles match the original. Window glass should be clear, not tinted or frosted; low-E glass with minimal reflectivity may be acceptable.

Aluminum, vinyl and vinyl-clad windows are generally not acceptable

substitutes for wood windows, and such proposals must be reviewed by the PHDC at a public hearing. Vinyl windows in particular can close down a window opening with heavy framing, and are not available with true divided lights.

Doors: The number, location and dimensions of original doors should be retained and preserved wherever possible. Repairing original doors is encouraged over replacement. The number and configuration of panels in a replacement door should be consistent with the architectural style of the building.

Replacement of wood doors with aluminum-framed glass or steel doors, and replacement of double doors with single-leaf doors, is discouraged and will require a hearing before the PHDC.

DOCUMENTATION REQUIRED

for Repairs, In-Kind Replacement and Restoration

The following information must be filed in person by appointment with the PHDC staff for **in-house review** of repair, replacement in kind, or restoration of missing/inappropriate features. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and the scope of repairs or proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation(s) and closeups of the area where

the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date.

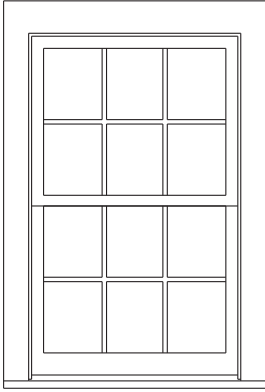
High quality digital photographs are acceptable. Color photocopies may be acceptable if the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability. (Photos are not required when replacing an existing asphalt roof with new asphalt.)

- A description of the proposed roofing, gutter or downspout material and color, including manufacturer's

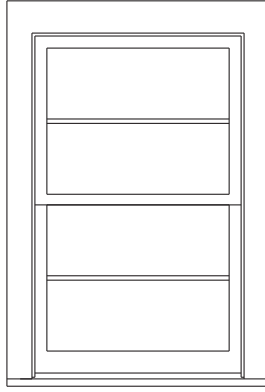
specifications and product information. Where new gutters or downspouts are proposed, indicate specific locations.

- Manufacturer's specifications and product information, if available.
- Specifications for repointing, cleaning, sealing or patching of masonry.
- Test patches, material or color samples, if requested by staff.
- Scaled drawings (3 copies) of replacement elements, if requested by staff.
- Historic photographs or drawings, or photographs illustrating physical evidence, of a feature to be reconstructed or restored.

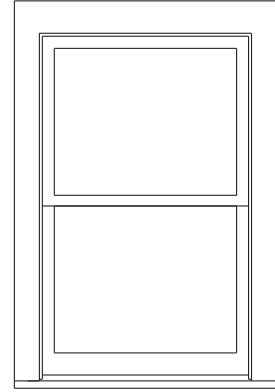
Appropriate and inappropriate window replacement



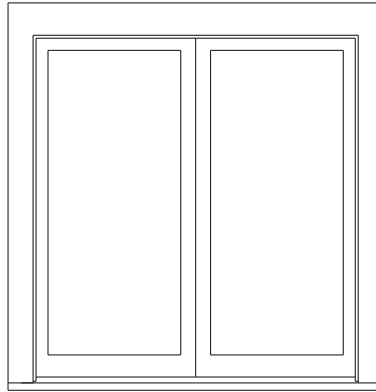
▲ **Appropriate**
Original wood windows with six over six panes.



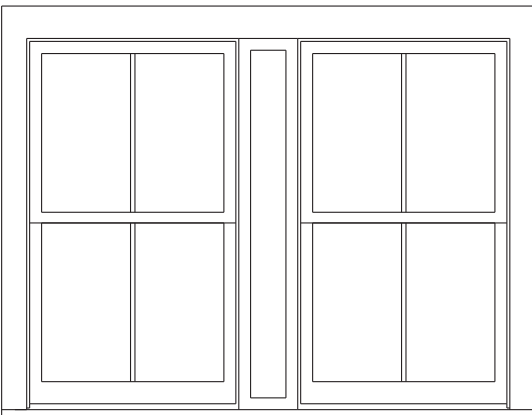
▲ **Inappropriate**
Horizontal without vertical muntins.



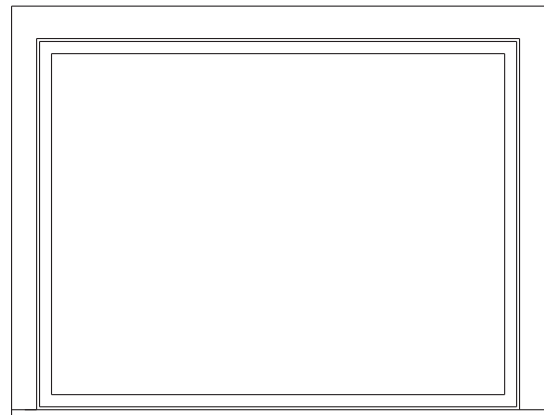
▲ **Inappropriate**
No muntins.



▲ **Inappropriate** Casement sash instead of double hung sash.



▲ **Appropriate** Original wood windows with two over two panes.



▲ **Inappropriate** Picture window, single pane of glass, wider horizontal proportions.

Appropriate and inappropriate window replacement



▲ **Appropriate** House with original double-hung, true divided windows.



▲ **Inappropriate** Horizontally divided window replacements have incorrect number of panes. Missing drip caps.



▲ **Inappropriate** Enlarged window opening for picture window. Window filled in.



▲ **Inappropriate** Replacement single-pane casement window with enlarged opening. Missing drip caps.

Appropriate and inappropriate door replacement



The number and configuration of panels in a replacement door should be consistent with the architectural style of the building. Replacement of wood doors with aluminum framed glass or steel doors, and replacement of double doors with single-leaf doors, is discouraged.

▲ **Appropriate** Original six-panel wooden door with sidelights.



▲ **Inappropriate** Sidelights replaced by mailboxes and buzzers.



▲ **Inappropriate** Door without panels in wood, steel, etc.



▲ **Inappropriate** Door design and aluminum screen.

Appropriate and inappropriate door replacement



▲ **Appropriate** House with original four-panel double doors.



▲ **Inappropriate** Single door instead of double door. No panels. Non-historic glass panel design.

Replacements of double-doors with single-leaf doors is discouraged. The number, location and dimensions of original doors should be retained and preserved wherever possible.

MINOR ALTERATIONS: AWNINGS

Awnings can add color and architectural interest to a commercial or residential building. They can shelter passersby, reduce glare, conserve energy and provide a location for signage.

Materials

Opaque soft canvas, acrylic or vinyl materials are preferable to wood or metal. Translucent fabrics may be used for lettering or graphics.

Colors

Should be compatible with the building.

Installation

Awning installation should not damage the building or visually impair distinctive architectural features. Where possible, awnings should be mounted within a recessed door or window opening rather than directly onto the face of the building. Awnings should be shaped to the opening in which they are installed.

Type/Profile

Awnings may be fixed or retractable

(retractable awnings with movable valances are preferred on buildings originally designed as residences). A traditional shed (diagonal) profile awning is preferable to a rounded profile.

Signage

Lettering and graphics may be installed on awning valances; sizes should be proportional to valance dimensions. Lighting for signage on an awning should be directed specifically toward the graphics to prevent the entire awning from glowing. Signs on awnings shall also conform to the requirements of the Providence Zoning Ordinance.

Multiple storefronts

Where awnings are proposed for one or more businesses in the same

building, awnings are encouraged to be consistent in materials, shape and profile, height, location, graphics and signage. Colors should be complementary. Development of a master awning plan for buildings with multiple storefronts, to be followed by all tenants, is encouraged. Applications for master awning plans will be reviewed by the PHDC.

Other regulations

A building permit is required for an awning projecting over the sidewalk. Fixed awnings must meet zoning setback requirements. There must be a minimum 7-foot clearance from the sidewalk to the metal frame. The awning projection must be set back at least 12 inches from the curb.

DOCUMENTATION REQUIRED

for Awnings

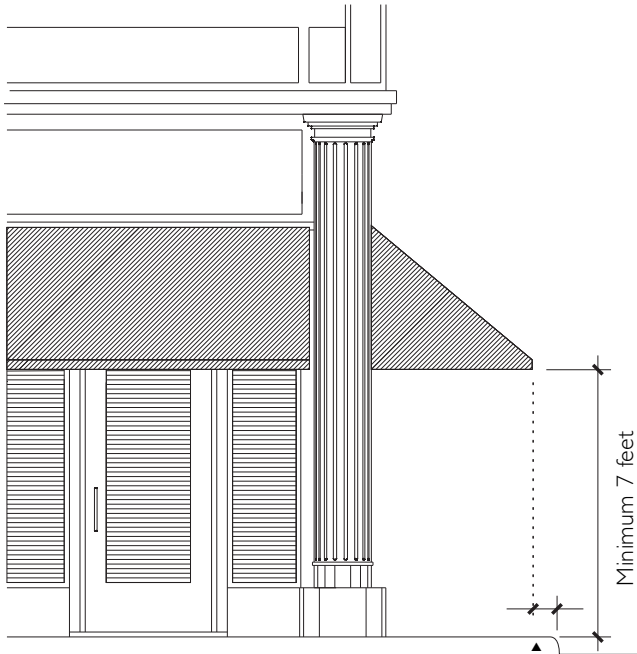
The following information must be filed in person by appointment with the PHDC staff for *in-house review* of awnings. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing the existing conditions and proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation(s)

and close-ups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.

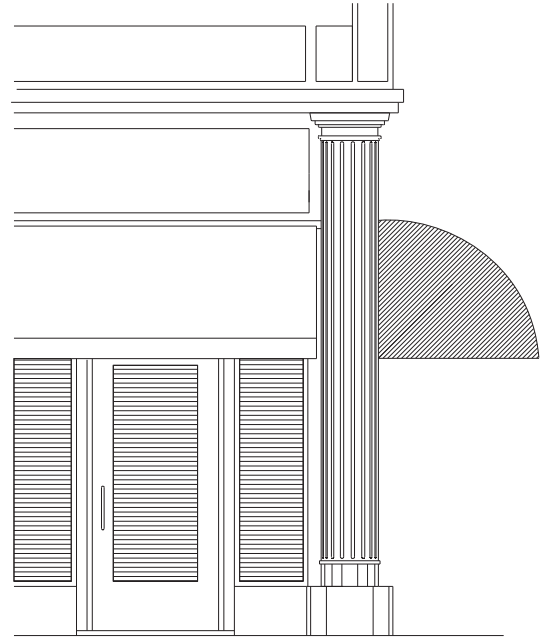
- Scaled elevation and section drawings of the building (3 copies), showing front and side views of the awning(s) in place on the building, relationship of the awning(s) to other facade elements, and the method of attachment. All dimensions are to be indicated. If signage is to be included, the drawing must also indicate the location, dimensions, colors and typefaces of all lettering and graphics.
- Material and color samples.

**Appropriate
and inappropriate
awnings**

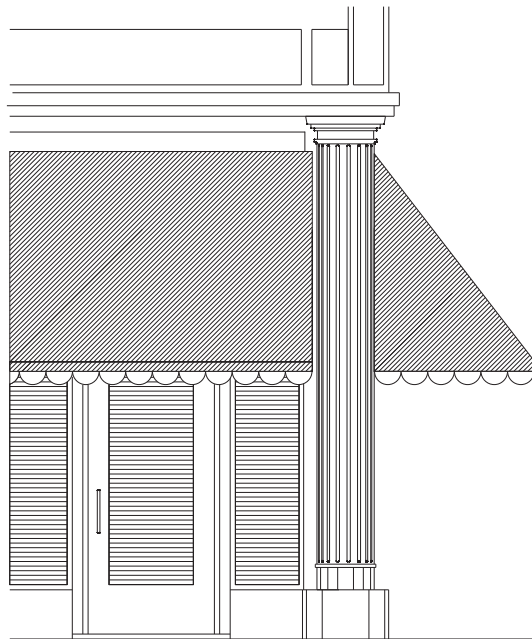


▲ **Traditional shed profile**
Is appropriate and preferred.

At least 12 inches
from curb



▲ **Rounded profile** Is acceptable,
but not recommended.



▲ **Inappropriate** Mounting is too high and
obstructs architectural features.

MINOR ALTERATIONS: FENCES & GATES

While complete privacy is often not possible in densely built urban areas, a fence can mark the boundary between one property and another, or distinguish public spaces (streets and sidewalks) from semi-public spaces (front yards). Fences are often character-defining features and should be treated sensitively. It is important that the fence design harmonize with the character of the historic structure and the surrounding district.

DOCUMENTATION REQUIRED

See page 22

Materials

Fences and gates made of wrought iron, cast iron or wood pickets are appropriate for front yards; solid, vertical board wood fences, with a flat cap, are appropriate for rear or side yards. Fences may be painted, stained or left to weather naturally. Woven wire (chain link) and stockade fences (with jagged tops) are discouraged. Barbed wire is not permitted under the Providence Zoning Ordinance.

Design

Front yard fences should be designed to allow views of the yard and building. While fences for rear or side yards may be more opaque, be aware that tall, solid fences that obscure views to the building and the yard can also hide intruders: consider a compromise between privacy and security. Gates should be compatible with any existing fencing, walls or landscaping, and should be designed to swing onto the private walkway or driveway, not onto the public sidewalk.

Other regulations

Fence height is regulated by the Zoning Ordinance. Fences and gates along street frontages may not exceed 42 inches (3.5 feet) in height, to avoid obscuring the view of any driver entering or traveling in traffic. Fences along side or rear lot lines are limited to 72 inches (6 feet) in height. Fences and gates proposed in excess of these height limits must also be reviewed by the City Fence Viewer. Approval from the Fence Viewer does not guarantee approval by the PHDC. Applicants are responsible for contacting the Fence Viewer.

Impacts on abutting properties

Fences on common property lines can have a negative impact on neighboring properties. For example, if the neighbor's yard is lower than the yard where the fence is installed, then from the neighbor's perspective the height of the fence is increased by the difference in grade. Also, boundary disputes may occur when a fence is proposed along an interior (side or rear) lot line.

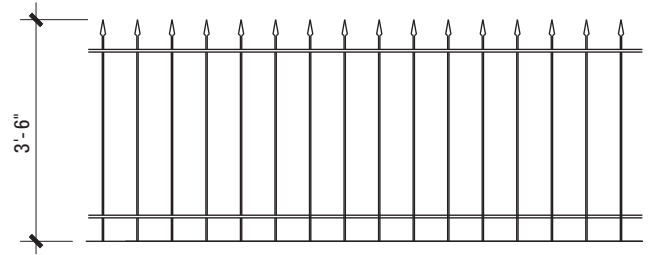
To avoid conflicts, and permit a fence application to be reviewed without a hearing, any applicant proposing to alter or install a fence along a common interior lot line

should contact the owner(s) of property directly abutting said lot line to confirm that the proposed fence is acceptable, before an application for a Certificate of Appropriateness is filed. If the proposed fence is acceptable to the direct abutter(s), they should be asked to waive in writing their right to a public hearing (abutters may sign a waiver form provided by the PHDC, or write a letter). The waiver shall then be submitted as part of the documentation of the application. If any directly affected abutter is unable or unwilling to waive the right to a public hearing, then the application shall be reviewed at the next available public hearing so that the comments may be heard. (Although abutter comments will be duly considered by the PHDC, abutter consent is not required in order to approve an application.) Boundary disputes should be resolved before the application is filed.

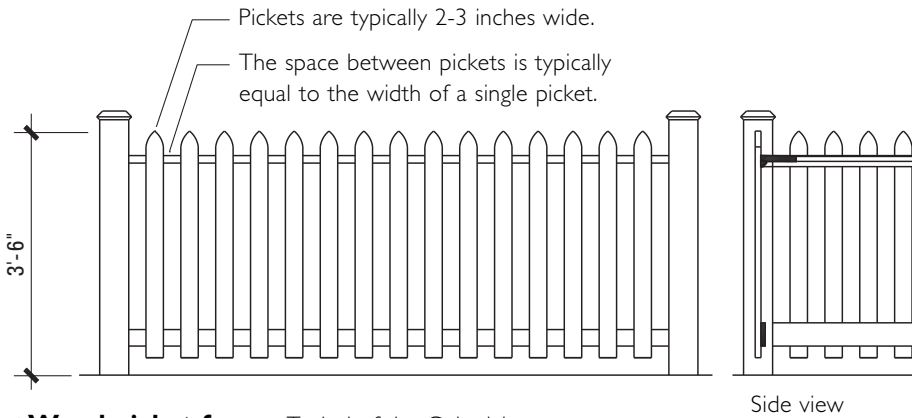
Proposals for replacement in kind of any existing fence, regardless of location, with no change in height, location, material or extension of length, and for new fences along street frontages, shall be exempt from the requirement to obtain abutter approval.

Fence types and basic regulations for front, side and rear yards

Fences in front yards may not exceed 42 inches (3'-6") in height.



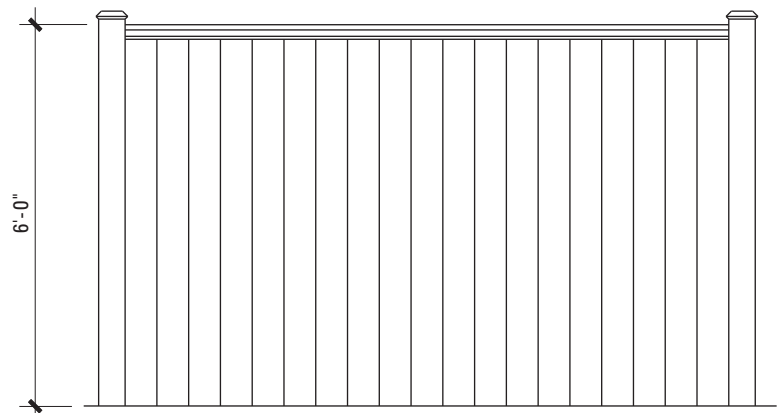
▲ **Wrought iron fence** Typical of second Empire and Queen Anne styles.



▲ **Wood picket fence** Typical of the Colonial Revival style.

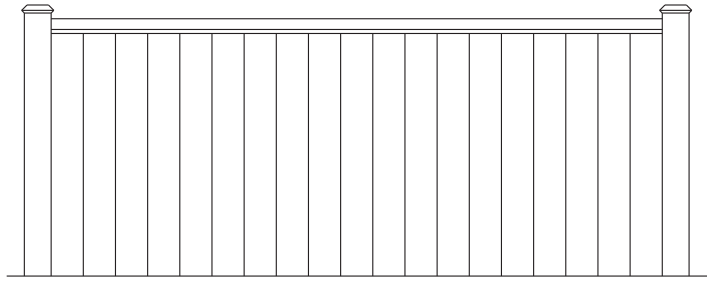
Fences made of cast iron, wrought iron or wood pickets are appropriate for front yards.
Fence heights are regulated by Providence Zoning Ordinance. Consult the Zoning Ordinance for further information.

Fences in rear or side yards may not exceed 72 inches (6'-0") in height.

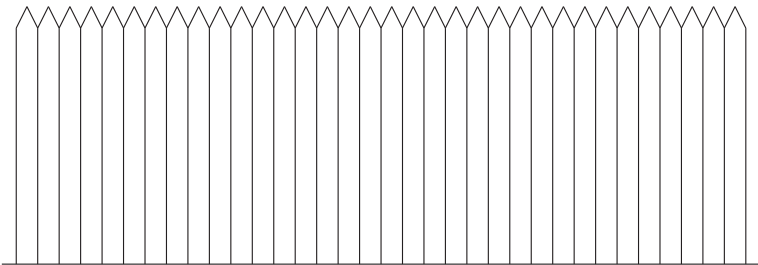


▲ **Vertical board/flat cap fence** Typical of the Greek Revival style.

Appropriate and inappropriate new fences

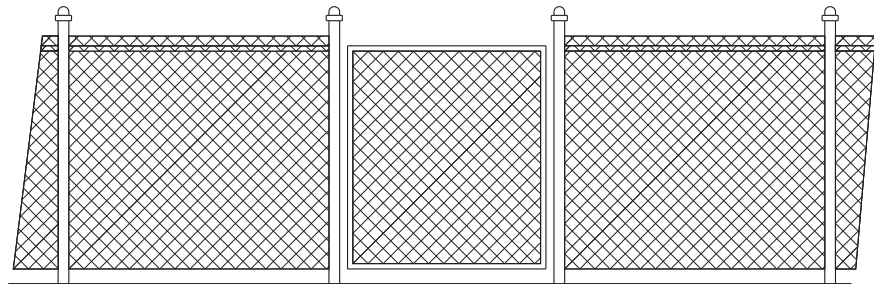


▲ **Solid fence** Appropriate for side and rear yards only.



▲ **Stockade fence** Inappropriate for any yard.

Certain types of fences are inappropriate unless they already exist on the property.



▲ **Woven wire (chain link)** Inappropriate for any yard.

DOCUMENTATION REQUIRED

for Fences and Gates

The following information must be filed in person by appointment with the PHDC staff for in-house review of fences. Incomplete applications cannot be reviewed.

- A completed application form signed by the applicant and the owner describing the existing conditions and the proposed improvements.
- 35mm color or black and white photos of the building, showing the

entire property and closeups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable if the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable.

- A scaled elevation drawing (3 copies) showing the design of the proposed fencing in relation to the building and other site elements. Indicate north arrow.
- For fences along common lot lines (excluding street frontages), a completed abutter waiver form (or letter) signed by each owner of abutting property sharing said lot line.

Streetscape showing appropriate and inappropriate fences



▲ **Appropriate** Picket fence.



▲ **Appropriate** Wrought iron fence.

Woven wire (chain link) and stockade (jagged tops) are discouraged.

Fences made of cast iron, wrought iron or wood pickets are appropriate for front yards.

Front yard fences should be designed to allow views of the yard and building.

Gates should swing **in** and should be compatible with existing fencing, walls, etc.



▲ **Inappropriate** Woven wire fence.



▲ **Inappropriate** Stockade fence exceeds height limits.

MINOR ALTERATIONS: MECHANICAL & COMMUNICATIONS EQUIPMENT

Equipment for heating, ventilation and air conditioning (HVAC) systems and communications equipment such as cable television wiring and satellite dish antennae should be installed in a sensitive manner whenever possible.

DOCUMENTATION REQUIRED

See page 25

Location

HVAC should be located inside the building wherever possible. If exterior installation is necessary, units should be sited in side and rear yards rather than the front yard, or placed on flat roofs out of view from street level; generally, pitched roofs are not appropriate locations for mechanical equipment. Exterior ductwork is discouraged but if necessary should be located inconspicuously.

Communications equipment should be located as inconspicuously as possible, preferably in rear or

side yards, or on rooftops out of view from street level. Cable wiring should go underground or along side or rear walls wherever possible.

Dimensions

Equipment should be the smallest size possible without interfering with performance or signal reception.

Design and color

A mesh dish antenna is less obtrusive than a solid dish. Painting equipment or ductwork to blend in with a background color can help diminish visual impact.

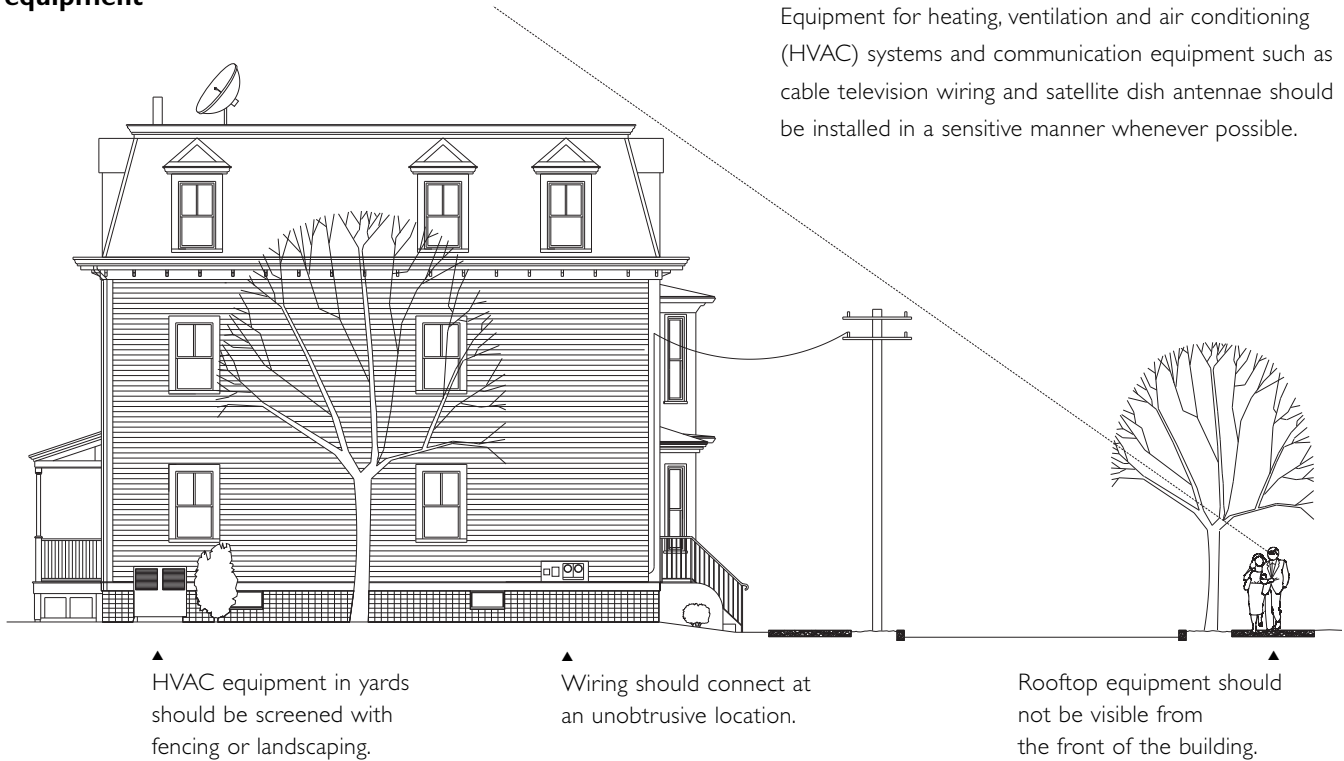
Screening

HVAC equipment in yards should be screened with fencing or landscaping. Communications equipment may be screened if screening does not aggravate a negative visual impact and if it does not interfere with signal reception.

Other regulations

Refer to the Building Code and the Zoning Ordinance for related restrictions on HVAC equipment and rooftop structures. HVAC units may not exceed the allowable decibel readings (noise levels) for residential neighborhoods, according to City Ordinance.

Appropriate mechanical and communications equipment



Equipment for heating, ventilation and air conditioning (HVAC) systems and communication equipment such as cable television wiring and satellite dish antennae should be installed in a sensitive manner whenever possible.

▲ HVAC equipment in yards should be screened with fencing or landscaping.

▲ Wiring should connect at an unobtrusive location.

▲ Rooftop equipment should not be visible from the front of the building.

DOCUMENTATION REQUIRED

for Mechanical & Communications Equipment

The following information must be filed in person by appointment with the PHDC staff for **in-house review** of mechanical and electrical equipment. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs of the entire property, showing the building and the area where the work will occur. Photos are to be at least 4x6 inches and

must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.

- A scaled site plan and/or roof plan (3 copies) showing the proposed location of the equipment in relation to other building or site elements and the property line(s), as well as the method of any proposed screening. (If equipment will be

screened with fencing, include 3 copies of a scaled elevation drawing showing the design, material and height of the fence.)

- For rooftop installations, a scaled section drawing (3 copies) indicating sightlines.
- For exterior ductwork, a scaled elevation drawing (3 copies) showing the proposed location and method of attachment, in relation to other building elements.
- Manufacturer’s specifications and product information, specifically noting dimensions, design and finish colors.

MINOR ALTERATIONS: SHUTTERS & BLINDS

Shutters (with solid panels) and blinds (with louvers) were traditionally used to control light and ventilation, and to improve privacy. Today, their primary purpose is decorative.

Shutters and blinds were common on houses built before 1860; were sometimes found on Italianate and 2nd Empire styles of the 1860s-1880s; and were also exhibited on Colonial Revival and Neoclassical styles of the early 20th century.

DOCUMENTATION REQUIRED

See page 27

Materials

Wood (painted a dark color) is the traditional material. Vinyl and metal do not adequately replicate the appearance of wood and are not appropriate.

Dimensions and configuration

Each shutter or blind should match the height and one-half the width

of the window opening. Shutters and blinds are generally inappropriate on windows that are wider than they are tall, such as picture windows. Shutters and blinds for arched windows should follow the shape of the window opening.

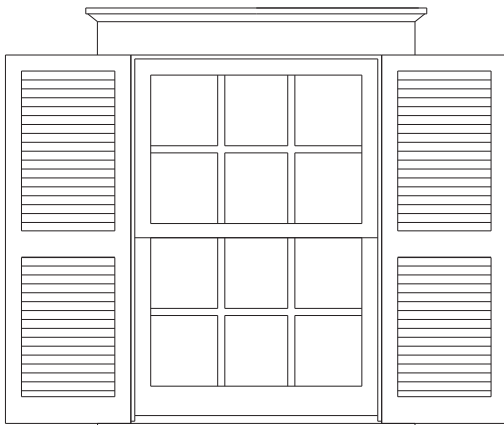
Installation

Proper shutter hardware and placement is important. Shutters and blinds can be hung from a variety of hinges, slide bolts, pintels and

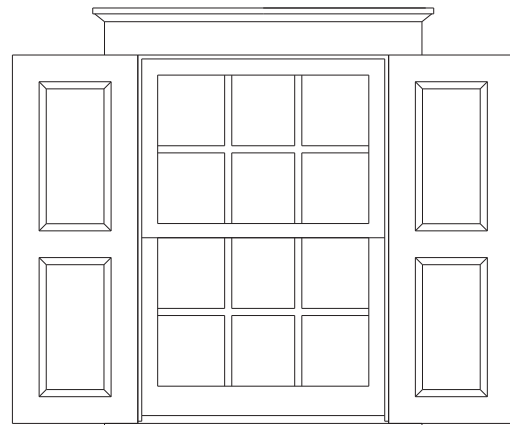
shutter dogs; historic hardware designs are still available. Check to see if there is evidence of hardware on window frames or on the building. Tacking shutters and blinds onto the face of the building is not appropriate because shutters and blinds should appear to be operable. Blinds should be hung so that the louvers point upward when the blinds are open; the louvers on operable blinds point downward only when the blinds are closed.

ILLUSTRATION 12

Examples of shutter types



▲ An example of louvered shutters.

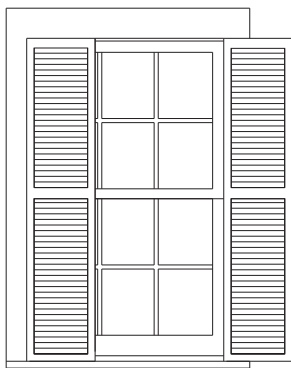


▲ An example of paneled shutters.

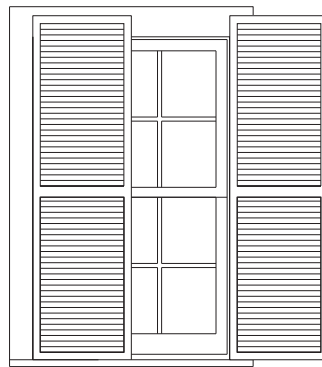
Examples of shutter types



▲ A Greek Revival house with its original shutters. Each shutter is the height and one-half the width of the window opening.



▲ These shutters are **inappropriate** because their width is less than half the width of the window opening.



▲ These shutters are **inappropriate** because their height is greater than the height of the window opening.

DOCUMENTATION REQUIRED

for Shutters & Blinds

The following information must be filed in person by appointment with the PHDC staff for **in-house review** of shutters and blinds. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing the existing conditions and the proposed changes.
- 35mm color or black and white photographs of the building showing the entire building elevation and close-ups of the area where the work will occur. Photos must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable.
- A scaled elevation drawing (3 copies) illustrating the shutters/blinds in place on the building, their relationship to the size and shape of window openings, and method of attachment; **or** written specifications detailing the dimensional relationships between the window openings and the proposed shutters/blinds, and the method of attachment.
- Manufacturer’s specifications or product information on the proposed shutters or blinds and shutter hardware, if available, including description of materials.

MINOR ALTERATIONS: SIGNS

Signs are one of the most prominent visual elements on a street. Well designed signs add interest, color and variety to building facades and streetscapes; poorly designed signs can cause visual clutter and be a major distraction from a well designed storefront or converted residential building. Although signs should be clearly visible, signage in historic districts should be scaled to pedestrians, not automobiles.

DOCUMENTATION REQUIRED

See page 30

Type

The following types of signs may be acceptable: painted or applied wall signs, projecting signs (hung perpendicular to the wall on a decorative bracket), signs on awnings or canopies and freestanding signs. Traditional shapes include the rectangle, square and oval. Lettering on window or door glass and interior window signs are permitted without review.

Location

A sign should be located so as not to obscure architectural details. Most commercial buildings are designed with sign bands in the storefront; these are the most appropriate locations for wall signs. Residential buildings converted to commercial use may not have a designated sign band, so appropriate placement of a wall sign becomes more of a concern; in these cases other sign types, such as projecting signs, lettering applied to windows or doors, freestanding signs and signs on awnings may be considered. The sign location should be coordinated with signs on adjacent storefronts or

buildings. Placing a sign higher or lower than an adjacent sign creates confusion.

Materials

Wood is the most traditional sign material; lettering may be carved, applied or painted. A variety of other materials may be considered, including metal, brass, granite, slate, marble, etc. Plastic is discouraged.

Message

A sign should identify the name, function, and perhaps the address of the business. This information can be conveyed in words, pictures, names, symbols and logos. Keep it simple: too many pieces of information clutter the sign and confuse the viewer.

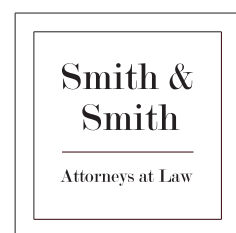
Colors should be compatible with the building and the surrounding buildings. A sign is more easily read when the letters or graphics contrast with the background color.

Lighting

Signs may be lighted indirectly with exterior fixtures. Internally lit signs (back-lit plastic) are incompatible with Providence's historic districts and not acceptable.

ILLUSTRATION 14

Examples of sign types



Corporate standards

Where corporate standards for logos, colors, dimensions, lighting, sign types and locations are inconsistent with the historic character of the property, these may not be acceptable. Signs should be designed specifically for the property on which they will be placed.

Master sign plans

Where a building houses multiple commercial tenants or activities requiring signage, or signs will be installed on multiple properties by a common owner, a master sign plan governing locations, types, dimensions and materials should be developed and followed by all tenants. Applications for master sign plans will be reviewed by the PHDC.

Other regulations

Projecting signs must have a minimum 10-foot clearance from the sidewalk to the bottom of the sign for RP (Residential/Professional) zoning and a minimum 18-foot clearance for commercial zoning. Signs which project over city property must be hung by a sign company that is bonded and insured with the City of Providence, as required by the R.I. State Building Code, Section 2906, 23-27.3.

Zoning: All signs must conform to underlying zoning regulations (see Article VI of the Providence Zoning Ordinance). Any necessary variances for use, for the number of signs or the dimensions of signs must be obtained prior to filing an application for a Certificate of Appropriateness.

ILLUSTRATION 15

Storefront sign bands

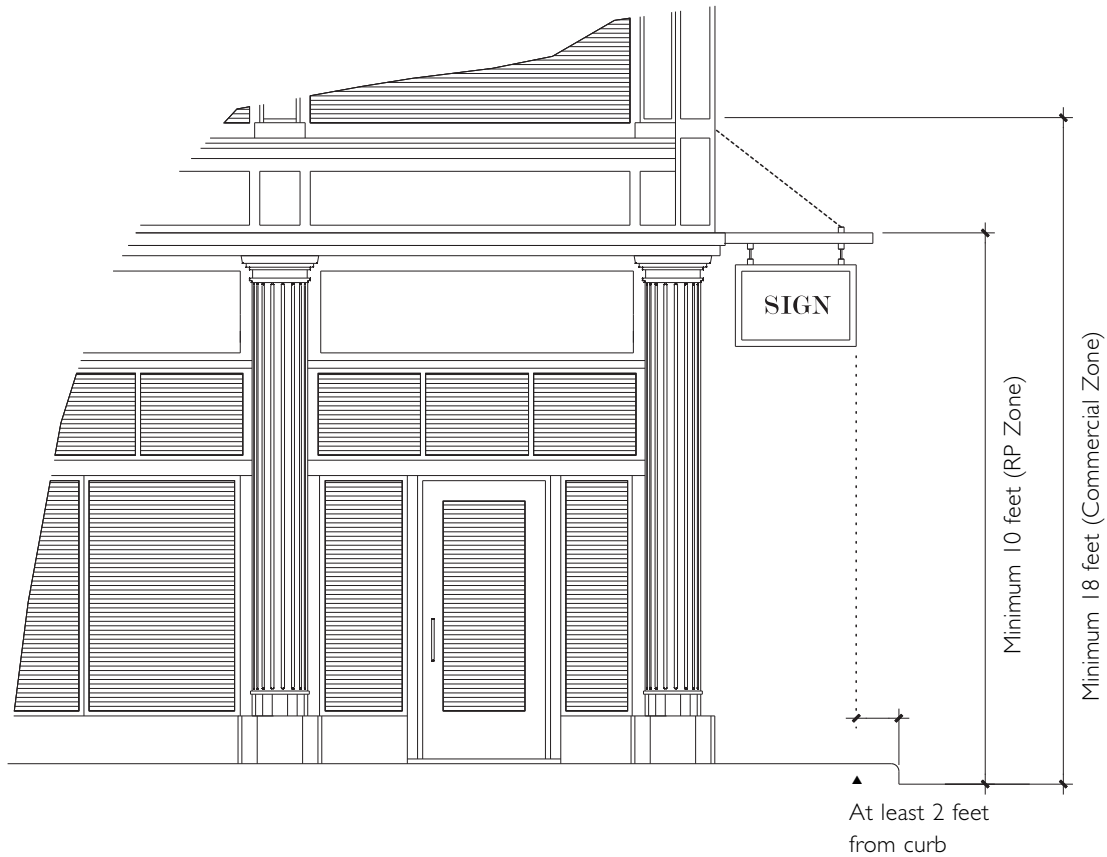


- ▲ Most commercial buildings are designed with sign bands in the storefront. These are the most **appropriate** locations for wall signs. The sign location should be coordinated with signs on adjacent storefronts or buildings.



- ▲ Other locations for wall signs are **inappropriate** because they detract from the harmony of the façade.

Sign regulations



DOCUMENTATION REQUIRED

for Signs

The following information must be filed in person by appointment with the PHDC staff for **in-house review** of signs. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation and closeups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable if the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.
- A scaled elevation drawing (for wall signs, freestanding signs and awnings), section drawing (for projecting signs and awnings) and/or site plan (freestanding signs) showing the proposed sign(s) in place on the building or in relationship to the building and other site features, including the property line. Submit 3 copies of each drawing.
- A scaled drawing (3 copies) of the sign, indicating its type, dimensions, materials, colors, graphics and lettering, method of attachment and any illumination.
- Written confirmation of zoning status and any variances granted by the Zoning Board of Review.

MINOR ALTERATIONS: SITE IMPROVEMENTS

The relationship between a historic building and its site features such as green spaces, pathways, paved areas, terraces, retaining walls, boundary walls and grade levels is important in defining the overall historic character of the building and the surrounding historic district.

DOCUMENTATION REQUIRED

See page 32

Historic landscapes

Historic site plans and features should be identified, retained and preserved.

Walkways

Walkway materials should be compatible with the existing building and site and the setting of the historic district. Appropriate choices include unit pavers of stone, brick or concrete; poured concrete with a surface treatment (tinting, scoring, exposed aggregate or accent materials); asphalt is not appropriate. Walkways of crushed stone or shells are not common in urban settings and are generally inappropriate unless there is documentation for the historic use of such materials on the property.

Accessibility improvements: All paving materials noted above will also provide a hard, stable, regular, slip-resistant path of travel for disabled individuals. Original cobblestones should be reset rather than replaced with another material whenever possible. If a soft surface (such as loose gravel, crushed stone or shells, sand, or wet clay) is a historically accurate material for a pathway, consider using a bonding material to stabilize

the surface rather than repaving in another material. Snow/ice melting equipment may be installed under paved areas. Pathways with a slope exceeding 1:20 (1 foot in height for every 20 feet in length) may be regraded as an alternative to installing railings.

Driveways and parking areas

Driveway and parking area materials should be compatible with the existing building and site and the setting of the historic district. Appropriate choices include unit pavers of stone, brick or concrete; poured concrete with a surface treatment (tinting, scoring, exposed aggregate or accent materials) and asphalt. Paving of front or side yards to accommodate parking is discouraged. Driveways of crushed stone or shells are not common in urban settings and are generally inappropriate unless there is documentation for the historic use of such materials on the property.

A landscaped area at least 3 feet in width should be provided and maintained between parking areas and any adjacent property, public street, walk or right of way. In addition to ground cover and small plantings, a translucent vertical screen (including but not limited to trees, evergreen shrubs or decorative metal fencing on top of low masonry

walls) should be provided, with a minimum height of 30 inches and a maximum height consistent with the Zoning Ordinance regulations for fencing. Zoning variances may be required and must be obtained before filing an application for Certificate of Appropriateness.

Accessibility improvements: All paving materials noted above will also provide a hard, stable, regular and slip-resistant path of travel for disabled individuals. Original cobblestones should be reset rather than replaced with another material whenever possible. If a soft surface (such as loose gravel, crushed stone or shells, sand, or wet clay) is a historically accurate material for a driveway, consider using a bonding material to stabilize the surface rather than repaving in another material. Parking areas may be striped and identified as needed for accessible parking spaces. Snow/ice melting equipment may be installed under paved areas.

Landscaping

Landscaping is encouraged. Avoid placing trees and shrubs next to building foundations where they can encourage water to penetrate the building, causing deterioration. Installation or removal of plant materials,

including trees, shrubs, hedges and planting beds for flowers and vegetables are not reviewed by the PHDC except where part of a documented historic landscape (see also “Other Regulations,” below). Proper drainage should be maintained.

Retaining walls

Retaining walls intended to serve a structural purpose should be designed by a qualified professional engineer or architect, to ensure that wind loads, grade changes and foundation requirements are properly accommodated. Materials may be stone, brick or concrete with a surface treatment (tinting, scoring, exposed aggregate, veneers and accent materials). Railroad ties may be used in inconspicuous locations, such as rear yards. If a height over 4 feet is proposed, consider using terraces (perhaps with planting beds) to alleviate the visual impact.

Boundary walls

Boundary wall materials, scale and design should be compatible with those of the building. Stone walls enclosing gardens and yards are rare in historic urban settings (although possibly appropriate for more recent buildings); check for physical or documentary evidence of an original stone wall. Brick walls should use similar brick colors and sizes, mortar, joining and coursing as found on the building; generally, brick walls should be capped in natural or cast stone. If a height over 4 feet is proposed, a low masonry base with a transparent or semi-transparent iron or wooden fence on top may be an appropriate solution.

Other regulations

The Zoning Ordinance regulates boundary walls and hedges as well as fencing (see Section 411). Hedges on common lot lines may be planted provided the abutting owners agree in writing to maintain and trim them; the agreement is to be filed with

the City Fence Viewer. Walls of brick, cement or other material are limited to 6 feet in height, and must be capped and finished neatly on both sides. Stone walls are limited to 4 feet in height, and walls adjacent to driveways are limited to 3 feet in height for a distance of 20 feet back from the property line.

Exceptions to staff review

The following site improvements will be subject to a public hearing before the PHDC: changes in grade over 2 feet, alterations to historic landscapes or settings of highly significant historic buildings, installation of underground parking garages, paving of open space on a street frontage to provide parking, construction of pergolas, decks and wheelchair ramps, enclosures for outdoor seating areas (commercial businesses), and any other applications the staff chooses to direct to the PHDC for review; see “Major Alterations” and “Barrier-Free Access” for documentation requirements.

DOCUMENTATION REQUIRED

for Site Improvements

The following information must be filed in person by appointment with the PHDC staff for **in-house review** of site improvements. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing the existing conditions and the proposed changes.
- 35mm color or black and white photographs of the building and its relationship to the site, showing

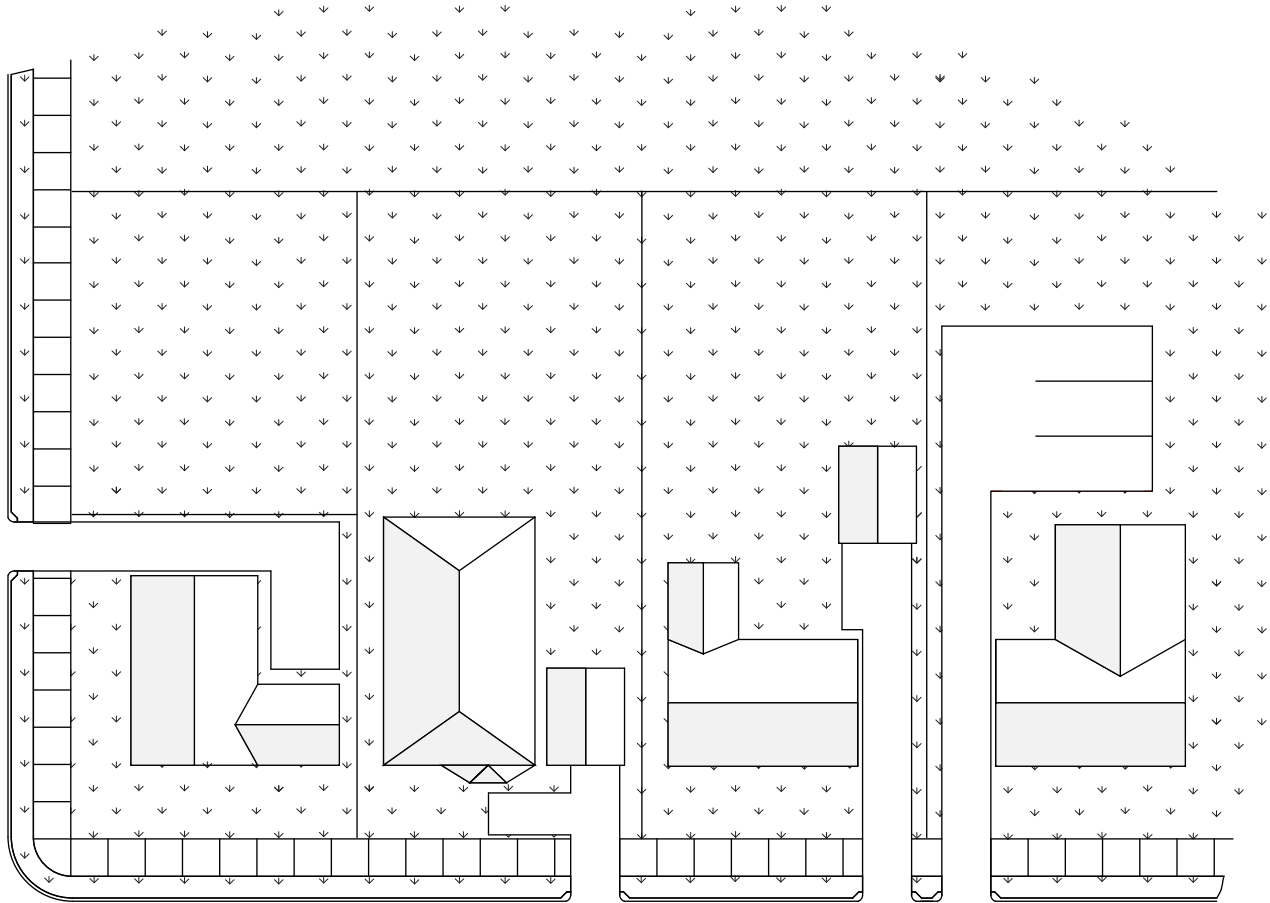
the entire property and close-ups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.

- A scaled site plan (3 copies), illustrating the proposed changes in

context with the building, other existing site elements, and the property lines. Indicate north arrow.

- For retaining walls, terraces and site improvements other than paving, scaled elevation and section drawings (3 copies) showing the construction in relationship to surrounding site or building elements. Structural retaining walls should be designed by an engineer or other qualified professional.
- A description of the proposed materials; samples may also be requested.

Parking plan with garages



Plan 1
Appropriate A small paved parking area has been created in the rear yard.

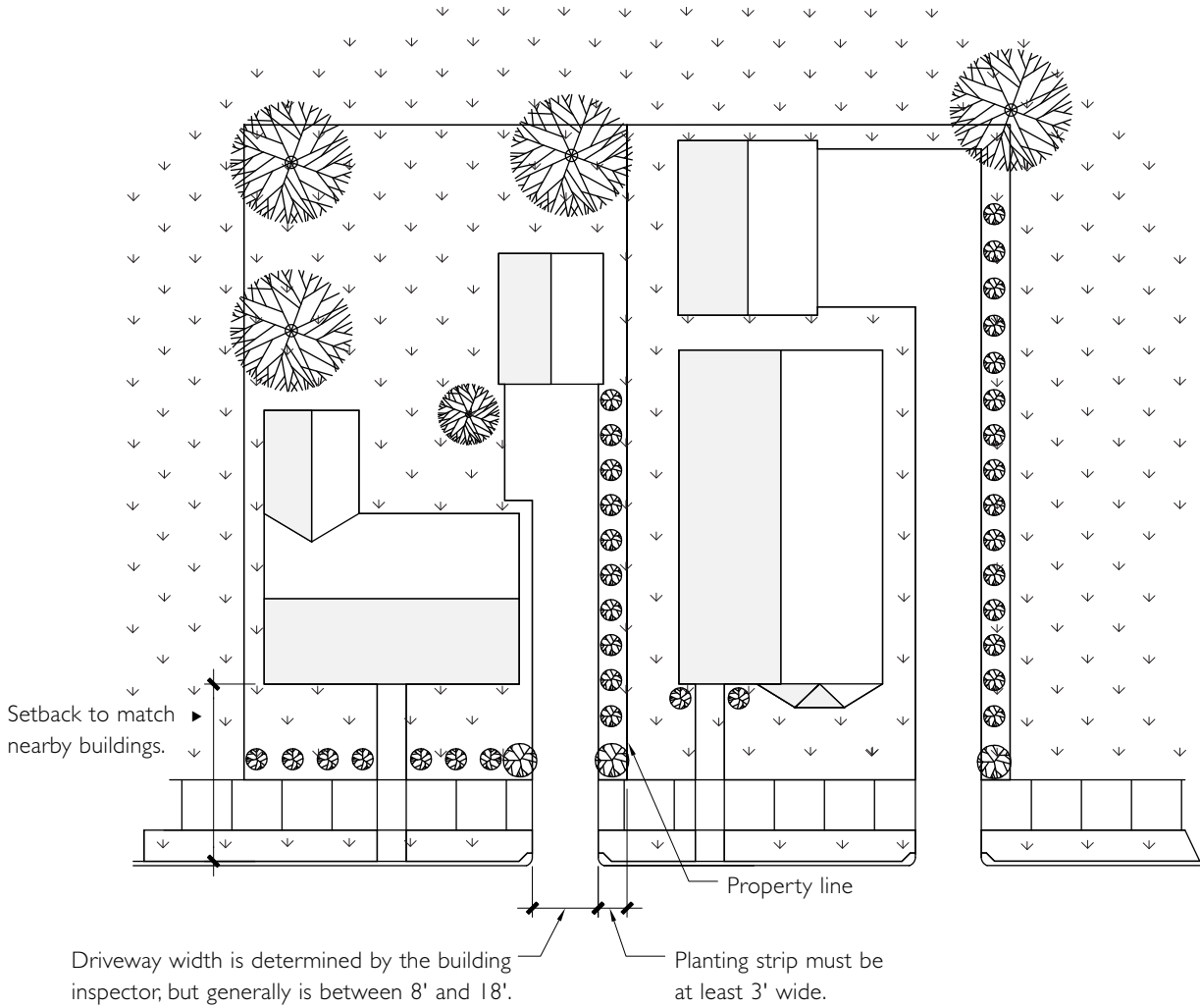
Plan 2
Inappropriate The garage is located to the front of the house and a paved parking area has been created in the front yard.

Plan 3
Appropriate The garage is located to the rear of the house.

Plan 4
Inappropriate A paved parking area has been created in the rear yard, but it is much larger than necessary for a single-family home.

In general, landscaping is encouraged for residential buildings, particularly in front and side yards. Additionally, landscaping is required in many instances, such as along the driveway and parking areas in new construction. Setbacks in new construction must be similar to that of neighboring buildings in order to preserve the continuity of the streetscape.

Appropriate residential site plan



In general, landscaping is encouraged for residential buildings, particularly in front and side yards. Additionally, landscaping is required in many instances, such as along the driveway and parking areas in new construction. Setbacks in new construction must be similar to that of neighboring buildings in order to preserve the continuity of the streetscape.

MINOR ALTERATIONS: STORM/SCREEN WINDOWS AND DOORS

The high cost of heating fuels and need to conserve energy has made combination storm/screen windows a common feature on historic buildings. Storm windows can protect historic primary sash from the elements and may be a reasonable alternative to replacing original windows.

However, storm windows are not a substitute for weathertight primary windows. In some cases, caulking, reglazing and weatherstripping the primary windows can stop air leaks, making storm windows less of a necessity. Window screens are often sold in combination with storm windows, but are also available separately.

Screen doors may need to be custom made, particularly for wide doorways. Storm doors are often an eyesore on historic buildings, and usually unnecessary if the exterior door is properly weatherstripped.

The goal of any installation should be minimal visual impact on the original primary window or door.

Materials

Wood, painted aluminum or anodized aluminum may be considered. Raw aluminum (with a silver finish) is not appropriate. Glass should be clear; glass is preferable to acrylic, which may scratch and discolor over time.

Colors

Frame colors should match those of the window trim. Many manufacturers can customize colors upon request.

Design

Storm windows should have narrow perimeter framing, and the meeting rails between upper and lower panels should align with the meeting rails of the primary sash. Half screens (e.g. covering only the bottom or top sash) are preferable to full screens covering the entire window opening.

Windows with stained glass, leaded glass, curved glass or unusual shapes or materials may require special custom treatments in order to preserve the window and its unique visual qualities. Storm and screen doors should be as simple as possible, with a plain glass or screen insert; avoid historically inaccurate decorative details.

Dimensions and configuration

Storm and screen windows and doors should be sized to fit the widow or door opening. Rectangular storm windows are not appropriate on windows with unusual shapes; in such cases either a custom fitted exterior storm window or an interior storm panel may be required.

DOCUMENTATION REQUIRED

for Storm/Screen Windows & Doors

The following information must be filed in person by appointment with the PHDC staff for ***in-house review*** of storm/screen windows and doors. Incomplete applications cannot be reviewed.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing the existing conditions and the proposed changes.
- 35mm color or black and white photographs of the building showing the entire building elevation and close-ups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable if the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable.
- Manufacturer's specifications and product information, including proposed dimensions and colors.

MAJOR ALTERATIONS

The primary purpose of the historic district ordinance is to preserve buildings, sites and appurtenances with historic and architectural significance. It is important to identify character-defining features such as height, setback from the street, shape, roof form, wall cladding, trim and ornamentation, windows and doors, porches and stairs, siting, storefronts and signs. Alterations which recognize, maintain and preserve distinctive features, materials, finishes, construction techniques and examples of craftsmanship will help to protect the integrity of the historic property and the district.

DOCUMENTATION REQUIRED

See page 41

In reviewing proposed plans, the PHDC shall consider: the historic and architectural significance of the structure and its appurtenances; the way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and the appropriateness of the proposed general design, arrangement, texture, materials and siting, in relationship to the existing historic structure.

Examples of alterations requiring full PHDC review include, but are not limited to, those listed below. Check with PHDC staff if you do not see your project listed. Projects must be approved by the PHDC prior to construction.

Replacement of features resulting in a change in material, dimension, design, texture or visual appearance, including work ordered by any regulatory agency to correct code violations. If existing features are character-defining elements of a historic structure, they should be replaced in kind to match as closely

as possible. If existing features are not appropriate to the architectural style of the building, consider replacement with a more appropriate design. Avoid creating a false sense of historical development.

Changes in wall materials and surfaces, including installation of artificial siding, installation of through-wall vents and air conditioners, and addition or removal of projections or recesses. Original or historic bay windows and oriels should be retained and preserved.

Aluminum and vinyl siding are generally not appropriate because:

1. Their installation usually results in the covering or removal of clapboards, shingles, window and door surrounds, cornices, corner boards and quoins, brackets, belt courses, and other character-defining elements;
2. Installation of artificial siding on top of existing siding changes the relationship of elements in the vertical plane of the wall, often eliminating projections and recesses; *and*

3. Artificial sidings will not halt deterioration all by themselves, and thus are not a substitute for proper repairs. Generally, artificial siding may be considered only for non-contributing buildings. Removal of existing artificial sidings and restoration of original wall surfaces is encouraged. Through-wall vents larger than 2 square feet in area should be located inconspicuously on secondary elevations. Through-wall air conditioners are discouraged, particularly on primary elevations.

Changes in fenestration, including installation or elimination of window and door openings. Generally, creating new openings and closing up original openings is discouraged, particularly on primary elevations.

Changes in ornamentation, including installation or removal of trim, brackets, cornices, corner boards, belt courses and other decorative elements. Generally, removal of character-defining trim and ornamentation is discouraged. New trim should be consistent with the architectural style of the building.

Changes in roof form or elements, including construction or removal of dormers, cresting rails and balustrades, monitors, cupolas, skylights, head houses and decks. Original historic roof lines, dormers, monitors, cupolas, skylights, cresting rails and balustrades should be retained. Consider locating new rooftop elements so that they will be out of view from street level.

Skylights should not be located on front roof slopes, and flat profiles are preferable to rounded profiles; however, the PHDC may consider an exception for a non-contributing building.

Changes to porches, stairs and entryways, including enclosure with glass or screens and installation, alteration or removal of railings, steps, handrails, door hoods, transoms and sidelights. Porch enclosures should

be located inside the railings and columns, minimizing the visual impact; use clear glass or dark mesh screens. Removal of original stairs, porches and entryways is discouraged. Avoid pressure-treated wood for new railings and trim pieces, as it tends to warp and twist.

Changes in grade levels and foundations. Major grade changes that would alter the historic setting of the property are generally discouraged. Underground parking garages inserted into hillsides may be considered. Cladding original exposed foundation materials in another material is generally discouraged. The permanent raising or lowering of a structure is discouraged.

Installation, alteration or removal of storefronts. Original storefront elements such as display

windows, recessed entryways, sign bands, transoms, etc. should be maintained and preserved. Where buildings have been converted to commercial use, new storefronts should be designed in harmony with the historic facade.

Changes to meet other regulatory codes, including installation or removal of fire escapes, construction of wheelchair ramps, etc. (see “*Barrier Free Access*” and “*Fire Escapes*” guidelines). Note that state codes may allow exceptions for historic buildings. Wherever possible, seek solutions which will have the least visual impact. Approval from the relevant regulatory agency (Building Board of Review, Fire Dept., Zoning Board of Review, etc.) should be obtained prior to filing an application for a Certificate of Appropriateness.

Appropriate and inappropriate siding types



▲ **Appropriate** Original clapboards.



▲ **Inappropriate** Vertical siding.

The decorative patterns, spacing, beaded edges, and visual texture of wood shingles and clapboards are character-defining features of historic buildings which should be retained and preserved. Wood trim elements such as corner boards, belt courses, window and door surrounds and other decorative features should likewise be repaired or replaced to match.



▲ **Inappropriate** Asphalt shingles, windows filled in.

**Appropriate
and inappropriate
replacement siding**



▲ **Appropriate** Original narrow clapboards, typically 3"-4" of exposure.



▲ **Inappropriate** Aluminum or vinyl siding. Loss of cornerboards, window trim and other details.



▲ **Inappropriate** Clapboards are too wide.

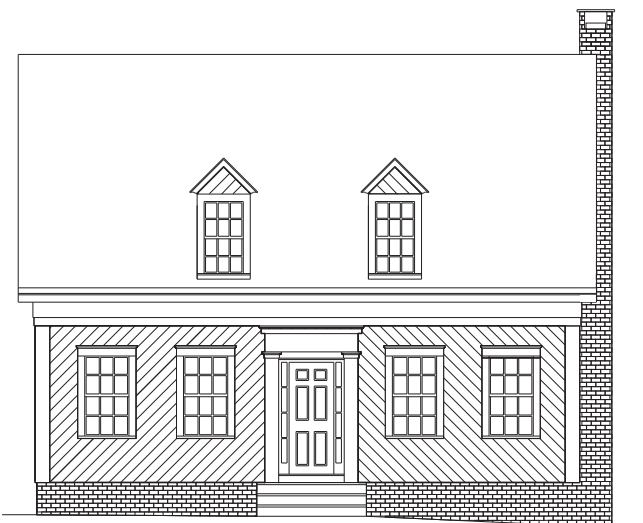
**Appropriate
and inappropriate
replacement siding**



▲ **Appropriate** Original wooden shingles.



▲ **Inappropriate** Replace shingles with clapboards.



▲ **Inappropriate** Horizontal siding.

DOCUMENTATION REQUIRED

for Major Alterations

The following information must be filed in person by appointment with the PHDC staff at least **fourteen (14) days before a scheduled meeting** for review of major alterations. Staff or the PHDC may request any additional information. Incomplete applications cannot be accepted for review.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation(s) and closeups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long term stability.
- Three (3) sets of scaled plan, elevation and section drawings as necessary, illustrating existing conditions and proposed changes. All drawings should show proposed changes in relationship to major

architectural features: e.g., a new door should be shown in context with the entire elevation. Drawings should be titled, indicating the scale, labeled with the street address and dated.

Examples of the drawings needed for varying types of projects are listed below. *This is not an exhaustive list.* Check with staff about documenting your particular project.

Site plan for projections and recesses, wheelchair ramps, stairs, ground-level porches and decks, changes in grade, underground parking garages, etc. Show the entire building, adjacent buildings and property lines. Indicate north arrow.

Floor plans for projections and recesses, window and door openings, upper floor porches and decks, storefronts, barrier-free access, fire escapes, etc.

Roof plan for dormers, chimneys, monitors, cupolas, skylights, railings and balustrades, headhouses, decks and changes to the roofline.

Elevations for replacement of features, changes in wall materials and surfaces, ornamentation, fenestration, porches, stairs, entryways, roof forms and elements, grade levels, foundations, storefronts, fire escapes, barrier-free access, air conditioners, through-wall vents, etc. Show front and side views

of three-dimensional elements.

Sections for projections and recesses, changes in roof form, porches and stairs, underground parking garages, details such as railings, trim and ornamentation.

- One (1) complete set of drawings reduced to 11x17 inches for mailing purposes.
- Written approval from the fire department for the design and location of any proposed fire escape.
- Copy of any required zoning, building or access code variances obtained for the project.
- Manufacturer's specifications or literature for elements such as windows and doors, skylights, vents, etc. indicating all dimensions, details and finishes.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

BARRIER-FREE ACCESS

The Americans with Disabilities Act (ADA) of 1990 and the Rhode Island Civil Rights of Individuals with Disabilities Act (R.I. General Laws 42-87) extend comprehensive civil rights to individuals with disabilities, and require that equal access be afforded to all citizens in all places of public accommodation, commercial facilities, and state and local governments. Although ADA exempts religious entities, private clubs and private residences from compliance, R.I.G.L. 42-87 covers all entities in Rhode Island, exempting only private residences.

DOCUMENTATION REQUIRED

See page 44

These laws require:

1. That all new public and commercial buildings and facilities be accessible;
2. That if existing elements, spaces or common areas are altered, then these shall be made readily accessible, consistent with the ADA Accessibility Guidelines (ADAAG); *and*
3. That all barriers to accessibility in existing buildings and facilities be removed, on an on-going basis, when it is “readily achievable” to do so (that is, accomplished without much difficulty or expense).

Generally, normal maintenance, re-roofing, painting, asbestos removal and changes to mechanical and electrical systems do not trigger requirements for ADA and R.I.G.L. 42-87 compliance.

For more information about ADA and R.I.G.L. 42-87 requirements, contact the Accessibility Coordinator of the R.I. Building Code Commission at (401) 222-6320, or the Governor’s Commission on the Handicapped at (401) 222-3731.

These agencies, along with the R.I. Historical Preservation & Heritage Commission (401) 222-2678, may also have review authority over accessibility improvements for properties in local historic districts. All of them encourage applicants to seek joint consultation and review whenever possible.

EXCEPTIONS FOR HISTORIC PROPERTIES

While historic properties are not exempt from ADA, the law does recognize the national interest in preserving historic properties. ADA Accessibility Guidelines provide alternative minimum requirements for qualified historic structures, such as those listed on the National Register of Historic Places or located within designated local historic districts, that cannot be made physically accessible without threatening or destroying their historic significance. *These alternative requirements may only be used after consultation with the R.I. Historical Preservation & Heritage Commission.* The alternative minimum requirements are:

- One accessible route must be provided from a site access point to an accessible entrance.

- One accessible entrance must be provided, preferably at a public entrance but possibly at a secondary, unlocked entrance. Directional and notification signage must be provided.
- Where toilets are provided, one unisex accessible toilet must be provided.
- Public spaces on the level of an accessible entrance must be accessible, and other public levels should be accessible wherever practical.
- Displays and written information should be located where they can be seen by a seated person.

If the RIHPHC determines that even the alternative requirements will threaten or destroy the significance of a structure, then alternative methods of access may be used, including guided tours and audio-visual materials and devices. This last exception is intended to be narrow and will apply only to a very small group of historic properties. Owners may initiate the consultation process by contacting RIHPHC.

DESIGN GUIDELINES

Exterior alterations to provide universal access to the site and to the structure will usually be reviewed by the PHDC at a public meeting. (Changes to paved surfaces are subject to staff review; installation of identification and directional signage identifying accessible parking spaces and entryways is exempt from review.) Interior alterations to provide access to the main floor, other floors, toilet facilities, drinking fountains and telephones are not reviewed by the PHDC unless they have exterior expression (such as an elevator tower).

Owners contemplating making alterations to improve the accessibility of their properties should follow a three-step process to identify and implement appropriate access solutions:

1. Identify the architectural materials, features and spaces that convey the historic significance of a property. These may include: construction materials such as brick, stone or wood; elements that clearly reflect the design intent of the architect or builder, such as porticos, bay windows, balconies, stairs, porches, columns, gates, paving and entryways; decorative features exhibiting a high level of craftsmanship, such as moldings, trim, carvings or applied ornament; and associated landscape features, such as driveways, walkways, berms, terraces, steps and green spaces.
2. Evaluate the historic property for compliance with state and federal accessibility requirements (whichever is stricter should apply) before planning changes. An “accessibility audit” should

survey architectural barriers for persons with mobility, visual and hearing impairments.

3. Evaluate the accessibility options using the PHDC General Standards (page 6) and the guidelines below.

The ideal accessibility solution for a historic building is one which provides the highest level of access, is readily achievable, and does not threaten or destroy the property’s historically significant materials, features and spaces. Each building’s access problems must be studied and resolved on a case-by-case basis. If access to the primary entrance cannot be provided without threatening or destroying significant architectural features, consider providing access at a well-lit, secure and well-maintained secondary entrance (especially one adjacent to an accessible parking area).

Wheelchair ramps

Consider locations which will have the least visual impact on the historic building and setting. On some buildings, ramps can be integrated into existing stairs or porches with little visual impact.

Materials for ramps and railings should be compatible with the building: wooden ramps are often appropriate for frame buildings and converted residences, while concrete or brick ramps may be best for masonry buildings. Ramp and railing designs should be coordinated with existing elements wherever possible. Wooden ramp surfaces can be painted with a sanded paint for slip-resistance.

State code requires the slope of a wheelchair ramp to be at maximum 1:12, that is, to rise no more than one

inch for every 12 inches in length; however, at sites where there is not enough space to accommodate a ramp with a 1:12 slope, ramps with a 1:6 slope are permitted for a run of up to 2 feet, which can overcome one or two steps. In some cases, altering grade levels to accommodate a very shallow ramp slope can alleviate the requirement for railings.

Ramps can be concealed with landscaping.

Wheelchair lifts

Under ADA, wheelchair lifts are less preferable than ramps because they can require assistance to operate and may break down. Nonetheless, lifts may be considered where the site does not provide ample room for a ramp. Both vertical platform lifts (which work like elevators, for a distance of up to 7 feet) and incline lifts (which ride along rails attached to stair railings) require a 25 square foot level platform between the lift and the entryway, and therefore can be extremely intrusive, particularly on a primary entrance. In some cases a telescoping hydraulic lift, which maintains the platform at grade level when not in use, can be a inconspicuous solution.

Entryways and steps

Where an existing door opening is too narrow to accommodate a wheelchair, consider installing offset door hinges to widen the opening. Installing an automatic door opener for a historic double door can create a suitably wide opening without requiring replacement of doors or enlargement of the opening itself. In some cases, replacing double leaf doors with a single leaf off-center door and fixed side panel may be acceptable. Alterations

to door hardware, although exempt from review, should consider reversible solutions such as installing a lever handle over an existing round door knob. Where steps must be replaced to comply with ADAAG, try to maintain as much of the original historic appearance as possible; materials for new steps should replicate the original or be compatible with other materials on the building.

Paving

See “Site Improvements” guidelines, page 31.

DOCUMENTATION REQUIRED

for Barrier-Free Access

The following information must be filed in person by appointment with the PHDC staff at least **fourteen (14) days before a scheduled meeting** for review of accessibility improvements. Staff or the PHDC may request any additional information. Incomplete applications cannot be accepted for review.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation(s) and closeups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long term stability.
- Three (3) sets of scaled plan, elevation and section drawings as necessary, illustrating existing conditions and proposed changes. All drawings should show proposed changes in relationship to major architectural features: e.g., a new door should be shown in context with the entire elevation. Drawings should be titled, indicating the scale, labeled with the street address and dated.

Site plan for wheelchair ramps and lifts, alterations to stairways and landings, and major changes in grade. Show the proposed changes in context with the entire building, adjacent buildings and property lines. Indicate north arrow.

Elevations for wheelchair ramps and lifts, alterations to entryways and stairways, etc. Show front and side views of three-dimensional elements in context with the building elevation.

Sections for major changes in grade. Show changes in relationship to the building and to other site elements.

- One (1) complete set of drawings reduced to 11x17 inches for mailing purposes.
- Copy of any required zoning, building or access code variances obtained for the project.
- Manufacturer’s specifications or literature for wheelchair lifts, new doors, etc. indicating all dimensions, details and finishes.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. “Abutter” is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

FIRE ESCAPES

State building and fire codes require that in case of emergency, a second means of egress must be provided from all buildings. Accommodation of egress requirements in historic buildings requires careful planning so that public safety may be provided while protecting significant architectural features. Ideally, both means of egress should be located inside the building.

DOCUMENTATION REQUIRED

See page 46

Be cautious about fire escape installation ordered by a non-regulatory entity, such as when a bank requires it as a condition of issuing a mortgage. If a building has less than four residential units, for example, the state fire code does not require that exterior fire escapes be provided for every unit. Always check with the Providence Fire Department at (401) 421-8290 to confirm that fire escapes are required and for other fire safety requirement information.

Many buildings in Providence's historic districts have been converted from an original single-family use to a multi-family use. In such cases, fire escapes will only be considered

for buildings with legal densities.

Before submitting an application for a Certificate of Appropriateness, obtain certification from the Fire Department that the proposed fire escape design and location are acceptable.

Fire escapes

Where necessary, fire escapes should be located on secondary elevations, with escape routes oriented toward the rear of the building rather than the front wherever possible. Consider arranging the interior layout of a building so that bedrooms face away from the street, thus precluding the need for a fire escape on a primary elevation. The least intrusive design is preferable; for example, a ladder has less visual impact than a scissor stair.

Brackets and supports for fire escapes should not be attached to decorative elements such as quoins, cornices and window and door surrounds.

Consider painting the fire escape to match the background color of the building, to reduce its visual impact.

Fire doors

Conversion of double hung windows to casement windows for egress, and enlargement of window openings to accommodate fire doors, are discouraged, especially on primary elevations. In many historic buildings, upper floor double hung windows are tall enough to permit egress to a fire escape through the raised bottom sash. Avoid installing fire doors in door openings on primary elevations wherever possible.

DOCUMENTATION REQUIRED

for Fire Escapes

The following information must be filed in person by appointment with the PHDC staff at least ***fourteen (14) days before a scheduled meeting*** for review of fire escapes and other alterations for fire egress. Staff or the PHDC may request any additional information. Incomplete applications cannot be accepted for review.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs of the building, showing the entire building elevation(s) and closeups of the area where the work will occur. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not

acceptable due to lack of clarity and long term stability.

- Three (3) sets of scaled plan and elevation drawings as necessary, illustrating existing conditions and proposed changes. All drawings should show proposed changes in relationship to major architectural features: e.g., a new fire escape should be shown in context with the entire elevation. Drawings should be titled, indicating the scale, labeled with the street address and dated. The following drawings may be required:

Floor plans showing interior room layouts and location of proposed fire doors or fire escapes. Indicate whether an internal second means of egress is possible.

Elevations showing front and side views of proposed fire escapes (including supports) and new fire doors or replacement egress windows, in context with the entire side of the building.

- One (1) complete set of drawings reduced to 11x17 inches for mailing purposes.

- Written approval from the Providence Fire Department for the design and location of any proposed fire escape.
- Copy of any required zoning variances (relative to density) required for the project.
- Manufacturer’s specifications or literature for proposed fire doors or replacement egress windows, indicating design, dimensions and materials.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. “Abutter” is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

NEW CONSTRUCTION & ADDITIONS

Since its inception in 1960, the PHDC’s philosophy regarding new construction has been to promote high quality new design, often contemporary in nature, that fits within the context of the historic districts. (For the purposes of these guidelines, “new construction” refers to new buildings or structures of any kind, including garages, and to substantial additions to existing structures.) Additions may be designed in the spirit of the existing architectural style, or may be clearly differentiated from the historic structure but compatible with it and with the surrounding historic district. It is not necessary to replicate historic architectural styles; designs should be contextual, but should not seek to create a false sense of historical development.

DOCUMENTATION REQUIRED

See page 49

It is strongly recommended that the applicant retain the services of a registered architect, design professional or engineer for the design and construction of any new structure or addition within a historic district.

REVIEW PROCESS

Review of an application for a Certificate of Appropriateness for new construction generally occurs in four phases, including a minimum of two public meetings (conceptual review, final review), unless otherwise waived by the PHDC. Applications for conceptual approval may be filed and reviewed prior to obtaining any necessary zoning variances; however, variances must be granted before the PHDC will proceed with final review. The four phases of design review for new construction projects are:

1. **Pre-application consultation and/or review.** Consulting with the PHDC staff and arranging a site visit early in the design process (during preliminary design, and before filing an application) is essential. This is the time to identify issues for both the property owner and the PHDC, and to investigate alternative approaches to resolving these issues. Applicants may also request a non-binding pre-application review with the PHDC, to obtain informal feedback on a design concept before filing an application. At a pre-application review the applicant should be prepared to present a written description of the project, 35mm photographs of the site, and schematic site plans and elevations. Pre-application reviews are an agenda item at PHDC regular meetings, and consequently a written request and accompanying documentation must be submitted by the filing deadline for a specific regular meeting.
2. **Conceptual review.** Once a complete application is filed (see “Documentation Requirements,” below), it is scheduled for conceptual review at a public meeting. The applicant’s presentation should include identification of the use of the new structure, a statement of design philosophy and a conceptual design showing height, scale, roof form, setback, shape, rhythm, materials and major site elements. If substantial design modifications are suggested, the PHDC may continue conceptual review until a subsequent public hearing, and establish a subcommittee of its members to work with the applicant in the meantime. If the application is approved in concept, it then passes to final review.

3. **Final review.** After an application is approved in concept and any necessary zoning variances have been obtained, at a subsequent public meeting the applicant presents final drawings (not for construction) that respond to comments made at the conceptual review, and that clarify relationships of various building and site elements to each other, relate interior arrangements to exterior appearance, address issues such as projections and recesses, doors and windows, trim and ornament, landscaping, etc., and include operating systems (mechanical, electrical, plumbing). If the final design is approved, the application then passes to review of construction details.
4. **Construction detail review.** Construction drawings and other details (such as material or color samples) are reviewed by staff or the subcommittee after a project's final design has been approved by the PHDC. These drawings show how the structure will actually be built, and are used by the contractor to price the job, obtain permits and carry out the work. Construction drawings can be reviewed informally unless there are substantial changes to the approved final design; staff or the subcommittee will determine whether proposed changes warrant a further public hearing. Construction drawings must be approved (stamped) before a Certificate of Appropriateness and a building permit can be issued.

CHANGES TO AN APPROVED PROJECT

It is common for project details to change during the course of con-

struction. However, a Certificate of Appropriateness for any project is tied to a specific design and details as illustrated in stamped construction drawings. ***All changes must be brought to the attention of the PHDC staff before construction proceeds on those changes.*** Staff will determine whether the changes can be reviewed in-house or whether the phdc needs to review them at a public meeting.

Failure to advise the PHDC of changes to an approved project and to obtain approval for those changes will invalidate the certificate of appropriateness and be deemed a violation of the zoning ordinance. It may also result in refusal by the department of inspection and standards to issue a certificate of occupancy, which can jeopardize yearly tax benefit claims and preclude final payments from lending institutions.

DESIGN CRITERIA

Historic districts in Providence contain a wide variety of building types and architectural styles. While some streets demonstrate great similarity of building sizes, shapes, materials and setbacks, others are characterized by great diversity, demonstrating how a neighborhood has grown over time or how different activities were carried out in the same area. This variety makes it impossible to mandate a specific design for new construction. These guidelines therefore deal with general issues of building height, mass, scale, siting, rhythm, materials, etc. They are intended to provide a framework within which design creativity and the needs of the property owner can co-exist with respect for designated historic districts.

New construction should reflect the design trends and concepts of the period in which it is created, while recognizing that a new building or addition must fit into an existing framework of a variety of older buildings. New structures should harmonize with existing older structures, and at the same time be distinct from the old so that the evolution of the district can be interpreted correctly.

When designing an addition or a new building, consider the following architectural and site features in relationship to the existing structure and/or the surrounding structures:

- Height
- Scale
- Massing, form, proportions
- Topography
- Parking
- Directional expression
- Siting and setbacks
- Landscaping
- Roof shape
- Height of foundation platform
- Views
- Sense of entry, porches, doors, stairs
- Rhythm and size of openings
- Known archeological features
- Color and texture of materials
- Architectural detail
- Development patterns

All new public and commercial buildings must be fully accessible to the disabled under federal and state law. Emergency egress in any new building shall be accommodated inside the building. See also "Site Improvements," "Barrier Free Access," and "Fences and Gates" guidelines.

DOCUMENTATION REQUIRED

for New Construction & Additions

CONCEPTUAL REVIEW

The following information must be submitted in person by appointment with the PHDC staff **at least fourteen (14) days in advance of a scheduled public meeting**. Incomplete applications cannot be scheduled for review.

- A completed application form for a Certificate of Appropriateness, signed by the property owner and the applicant, including a description of existing conditions and proposed changes.
- 35mm color or black and white photographs of the site where the proposed new construction will occur, and of all abutting properties (abutters are those properties whose lot lines touch the lot lines of the subject property; streets are considered common property lines). Photos should be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable if the images reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.
- One (1) set of scaled architectural drawings of the proposed new construction. Drawings should be titled, indicating the scale, labeled with the property address and dated. The scale should be sufficient to indicate clearly all aspects of the project. Drawings should include:
Site plan illustrating the location of all new construction in relationship to all other site elements, the

property lines and structures on abutting properties. Site plan should be based upon data provided by a registered land surveyor, and shall clearly indicate the location of all design features of the proposed construction, including: building setbacks, paved areas, parking areas, landscape features, fences, walls, mechanical equipment and other planned improvements. Indicate north arrow.

Conceptual floor plans, roof plan and exterior elevations showing the design concept for all four elevations, all interior floors and the roof. Drawings should illustrate the relationship of the proposed structure to abutting buildings, and shall clearly indicate all design features of the proposed construction, including: building materials and colors of all permanent exterior finish materials; location, configuration and type of doors and windows; overall dimensions; general details of roofing, siding, ornament and trim; location and type of any proposed signs; exterior mechanical equipment; and other building or site features.

Axometric or perspective drawings (and/or model), illustrating in three dimensions the proposed construction in context with the surrounding area and abutting buildings.

- One (1) complete set of the above drawings, reduced to 11x17 inches for mailing purposes.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any

property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

FINAL REVIEW

The following information must be filed in person by appointment with staff **at least fourteen (14) days before a scheduled meeting**:

- Written list of all changes made to the project design since conceptual approval. Changes shall also be highlighted on the drawings submitted for final review.
- One (1) full-size set of final design drawings, to scale, depicting the final design of the project. Drawings shall include floor, roof and site plans, all exterior elevations, building sections and exterior details. Drawings should be titled, indicating the scale, labeled with the property address and dated.
- One (1) set of final design drawings, to scale, reduced to 11x17 inches for mailing purposes.
- Any other information requested by the PHDC or the staff at the Conceptual Review hearing or at a subsequent sub-committee meeting.

CONSTRUCTION DETAILS

The applicant shall submit three (3) sets of scaled construction drawings to the PHDC staff. Material and color samples, if requested, should be made available on site.

MOVING OF HISTORIC STRUCTURES

When a historic structure is moved from its original site, it loses its integrity of setting and its sense of time and place, which are important aspects of the historic building and its environment. Their loss is irreplaceable. Ordinarily, a contributing historic structure listed on the National Register of Historic Places (as are many of the buildings in Providence's local historic districts) will lose its National Register status if moved from its original site.

DOCUMENTATION REQUIRED

See page 51

Moving of historic structures into, within or out of historic districts is discouraged except as a last alternative to demolition. In any case, the selection of a new site, appropriate for the building, plays a key role in the success of the relocation project. Consider how the building will relate to the proposed site and to its immediate context in terms of size, massing, scale, setback, texture

of materials and parking; and how its architectural style relates to its surroundings and to the district as a whole.

Structures may be moved intact, partially disassembled and completely disassembled. It is important that the structure be moved by a professional building moving firm with experience in moving historic structures. ***Adequate insurance coverage must be provided for all phases of the operation.***

The property owner will need to get various licenses and permits from city agencies such as the public works, traffic engineering, police, fire and building departments; and from utility companies. The owner must provide proof of ability to comply with all local and state safety regulations, and supply the necessary equipment and vehicles. If the owner is using federal assistance to move a structure listed on the National Register, archeological investigations are usually required.

DOCUMENTATION REQUIRED

for Moving of Historic Structures

The following information must be filed in person by appointment with the PHDC staff at least ***at least fourteen (14) days before a scheduled meeting.*** Incomplete applications cannot be scheduled for review.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- 35mm color or black and white photographs completely documenting the entire structure in context of its original site; and photos of the proposed site to which the structure will be relocated, including abutting properties on all sides. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the images

reproduce clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.

- If the structure is to be moved to a site within a local historic district:

Site plan (3 sets) to scale, showing the proposed location of the structure, indicating its relationship to the new site and the surrounding neighborhood. Drawings should be titled, indicating the scale and north arrow, and noting the street address and date.

Elevation drawings (3 sets) to scale, showing the building in its proposed new site in the district, showing its relationship to abutting buildings on all sides; and a scaled foundation plan. Drawings should be titled, indicating the scale, and noting the street address and date.

- If the structure is to be moved from a site within a local historic district: scaled plan, elevation and section

drawings (3 sets) as necessary to illustrate any proposed new construction or site treatment (see “New Construction” or “Site Improvements” guidelines for complete documentation information.)

- A certified report from an engineer or the moving company describing the method of moving, expected loss of historic fabric, timetable, etc.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. “Abutter” is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

DEMOLITION

Demolition of any historic structure constitutes an irreplaceable loss to the historic district and the City of Providence. Even the demolition of a non-contributing structure, or a secondary structure such as a garage, can have serious consequences for the district as a whole. Consequently, demolition is strongly discouraged.

DOCUMENTATION REQUIRED

See page 55

Demolition of any historic structure constitutes an irreplaceable loss to the historic district and the City of Providence. Even the demolition of a non-contributing structure, or a secondary structure such as a garage, can have serious consequences for the district as a whole. Consequently, demolition is strongly discouraged.

Demolition proposals are reviewed on a case-by-case basis. The applicant must make a good faith effort to demonstrate that ***all alternatives to demolition have been evaluated*** (including rehabilitation, sale, adaptive reuse and relocation of the structure), and to provide both architectural and financial data to support a conclusion that demolition is the only feasible solution. The documentation requirements for demolition proposals are extensive, but complete information is necessary for the PHDC to make an informed decision.

All demolition proposals should include information about how the site will be treated once the structure is removed. Where demolition of a primary structure is proposed, plans for development of the site with new construction should be included

with the application. Replacing a building with a surface parking lot can seriously diminish the architectural integrity of historic districts and is strongly discouraged.

Upon approval of an application for a Certificate of Appropriateness for demolition, the PHDC may require that the exterior and interior of the structure be recorded, at the owner's expense, according to the documentation standards of the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER). Such records would be deposited with the PHDC.

APPLICATION PROCEDURES

ALL demolition proposals within a local historic district require an application for a Certificate of Appropriateness. Consultation with the PHDC staff prior to submitting an application is strongly encouraged. The review process consists of at least two monthly public meetings, and is structured to give ample time to the community, the applicant and the PHDC to obtain information and study the proposal thoroughly. Where demolition of a secondary or non-contributing structure is proposed, the PHDC may at its discretion decide to streamline this process.

Review procedures can be summarized as follows:

1. Application is submitted, at least thirty (30) and no more than forty-five (45) days before a scheduled regular meeting. Applications must be documented as outlined below; incomplete applications cannot be reviewed. Check with staff for filing deadlines and hearing dates.
2. 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. The applicant and/or property owner shall attend the meeting and present the application to the PHDC. Public comment will be taken.

The PHDC shall first determine whether the structure proposed for demolition is:

 - 1) contributing to the significance of the district, and valuable to the City, 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 sig-

nificance of the district. The PHDC will use its own judgment in making determinations of architectural and historical significance, and may call upon expert witnesses. Applicants may also present testimony as to the significance of the structure.

Next, the PHDC shall determine whether sufficient information has been submitted with the application to allow thorough review (see “Documentation Requirements,” below), and whether all alternatives to demolition have been considered. If the PHDC finds that the 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. If the application cannot be accepted because additional information is needed, then the preliminary meeting will be continued until the next regular PHDC meeting or such time as the additional information can be submitted. The application is considered formally accepted as of the date of the vote to accept.

3. Second public meeting is held at the next regular meeting following the vote to accept the application, to review the application in light of the Review Criteria listed below. The criteria vary depending on whether the structure was determined to be a contributing or non-contributing structure in the district. The applicant and/or property owner shall attend, and public comment will be taken.

If the structure is contributing, the PHDC votes whether the proposal meets the primary review criteria outlined below. If so, then the application will be reviewed in light of the secondary review criteria. If the application is consistent with both the primary and the secondary review criteria, then it may be approved, either as submitted or with conditions. If not, the application may be denied.

If the structure is non-contributing, the PHDC votes whether to approve, approve with conditions, or to deny the application for demolition, using the secondary review criteria outlined below.

At the second meeting the PHDC will also review any claim of economic hardship (see “Economic Hardship” guidelines, page 56).

4. A written resolution is issued within 15 days of the vote to approve or deny the application, describing the PHDC’s decision and the reasons behind it. Any conditions of approval (such as HABS/HAER recording) must be met before a Certificate of Appropriateness is issued and a demolition permit obtained. If an application is denied, a new application for demolition of the structure may not be submitted for a period of one (1) year from the date of the written resolution.

REVIEW CRITERIA

At the second public meeting, the PHDC shall use the following criteria for review, based on whether the structure has previously been deter-

mined to be contributing or non-contributing to the significance of the historic district.

Contributing Structures: If a structure is deemed contributing, then the PHDC shall consider whether the application meets the following primary criteria:

1. If the structure is deemed valuable to the City, State or Nation, such that its loss will be a great loss to the City, State or Nation, then in order for the PHDC to approve demolition the structure must constitute a hazard to public safety, which hazard cannot be eliminated by economic means available to the owner, including sale of the structure to any purchaser willing to preserve the structure.
2. If the structure is deemed valuable for the period of architecture which it represents, or to the district as a whole, then at least one of the following requirements must be met in order for the PHDC to approve demolition:
 - a) Retention of the structure constitutes a hazard to public safety, which hazard cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.
 - b) Preservation of the structure is a deterrent to a major improvement program which will be of substantial benefit to the community.
 - c) Preservation of the structure would cause an undue and

unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including the sale of the structure to any purchaser willing to preserve the structure.

- d) Preservation of the structure would not be in the interest of the majority of the community.

If the primary criteria have been met, then the PHDC may consider any or all of the following secondary criteria in deciding whether to approve or deny the application:

1. The merit of the structure to be demolished.
2. The effect of the demolition on the surrounding buildings.
3. The effect of the demolition on the historic district as a whole.
4. The value or usefulness of the proposed replacement structure to the community, and the appropriateness of its design to the historic district.
5. If the lot is to be left open, the impact of open space in that location and on the district as a whole.
6. The effect of the demolition on the local economy.
7. Whether the demolition will foster civic beauty.
8. Whether the demolition will stabilize and improve property values in the district.
9. The effect of the demolition on safeguarding the heritage of the City, State or Nation.
10. The effect of the demolition on

promotion of the district for the education, pleasure and welfare of the citizens of the City.

Non-Contributing Structures: If a structure is deemed non-contributing, the PHDC may consider any or all of the secondary criteria above in deciding whether to issue a Certificate of Appropriateness for demolition.

EMERGENCY DEMOLITION

In cases of fire, natural disaster or other event which causes the Director of the Department of Inspection and Standards to order demolition immediately due to an imminent public safety hazard, the PHDC may hold a special meeting with 48 hours notice, in accordance with the R.I. Open Meeting Law, to review an application for a Certificate of Appropriateness for demolition. Documentation with the application shall include interior and exterior 35mm color or black and white photographs illustrating the building’s condition, and written documentation of the nature of the emergency and of the building’s irreparable and dangerous condition. The PHDC, in approving an emergency demolition, may require as a condition of approval that the applicant return within a specified period of time with a proposal for new construction on the site.

DEMOLITION ALTERNATIVES

1. An itemized breakdown of the feasibility of all possible alternatives to demolition, and reasons why such alternatives were rejected, including:
2. Sale of the structure on the present site to a party willing to preserve the structure.

3. Sale of the structure for removal and preservation on a new site. Consider the likelihood of a party willing to buy the structure for removal, and the feasibility of removal in both economic and practical terms.
4. Public or quasi-public agencies having any potential use for the structure, or knowing of potential users or purchasers.
5. The availability of financial programs that could assist in the rehabilitation and preservation of the structure.
6. Alternative uses for the structure that would allow its preservation.

FINANCIAL DATA

1. Form of ownership of the property, including the names and addresses of the owners. If the owner is an organization, governmental entity or corporation, include the name, address and telephone number of a contact person.
2. The fair market value of the property as determined by a qualified professional expert.
3. The amount paid for the property, the date of purchase and the name of the seller, including the relationship between the applicant or owner of record and the party from whom the property was purchased.
4. The price asked for the property and any offers received in the previous three years.
5. If the property is commercial or income-producing: the gross annual income from the property for the past three years, the item-

- ized operating and maintenance expenses for the previous three years, the depreciation deduction and annual cash flow before and after debt service for the previous three years.
- 6. The remaining balance on any mortgage or other financing secured by the property and the annual debt service for the past three years.
- 7. Three bids for the cost of the proposed demolition compared to the cost of stabilizing or “mothballing” the structure, and compared to the cost of rehabilitating the structure.
- 8. A list of all economic incentives for preserving the structure available to the applicant through federal, state, city or private programs.
- 9. If making a claim of economic hardship, such financial information as listed on page 46-48 of these guidelines.

DOCUMENTATION REQUIRED

for Demolition

The following information must be submitted in person by appointment with PHDC staff at least **thirty (30) days before a scheduled meeting** for review of demolition. Incomplete applications cannot be scheduled for review.

- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. “Abutter” is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as

abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines.

- 35mm color or black and white photographs of the structure to be demolished, showing all elevations, closeups of details and relationship to surrounding structures. (If the structure to be demolished is a secondary structure, such as a garage, include photos of the primary building(s) as well.) Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the image reproduces clearly. Photocopied prints and instant

(Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.

- A site plan, to scale, showing the location of the structure proposed to be demolished in relationship to other structures on the property, and to the property lines.
- A written report from an engineer licensed in Rhode Island, and/or from the Building Inspector of the City of Providence, as to the structural soundness of the building and its adaptability for rehabilitation. Any dangerous conditions should be identified.
- A description of the proposed replacement for the structure, including schematic plan and elevation drawings (see “New Construction” guidelines).

ECONOMIC HARDSHIP

In some instances, the preservation of a structure and its features may cause an undue and unreasonable economic burden on the property owner. These guidelines will inform applicants as to the circumstances under which an owner may claim economic hardship and seek approval to alter a property in a manner inappropriate to historic preservation.

DOCUMENTATION REQUIRED

See page 57

For the purposes of these guidelines, the term “economic hardship” shall refer to an owner’s inability to see a reasonable economic return for an investment which will comply with PHDC Standards and Guidelines to preserve the property. Evidence of economic hardship is generally limited to instances when the cost of preservation exceeds the value of the building, or preservation will deprive the owner of reasonable use of the property. An owner’s personal financial status is *not* an issue that the PHDC may consider.

The PHDC may allow projects to be completed in phases to accommodate the long-term and short-term availability of funds for preservation. Federal and state tax credits and a variety of low-interest loans are available to owners of historic properties for appropriate rehabilitation work. Although the PHDC itself does not provide financial assistance, the staff can provide information on these programs.

APPLICATION PROCEDURES

1. A claim of economic hardship shall accompany an application for a Certificate of Appropriateness. Claims of economic hardship shall be documented as described below. The PHDC may require that any of the submitted information be verified by a professional evaluation. All documentation becomes part of the public record.
2. Applications which are accompanied by claims of economic hardship shall be submitted at least thirty (30) days before a regularly scheduled meeting of the PHDC. Claims of economic hardship relative to demolition applications shall be reviewed at the second public meeting on the application.
3. The applicant shall be required to testify at the public meeting. Public comment will be taken. The PHDC shall determine whether the application is complete (see Documentation Requirements, below) and, if no further information is needed, shall consider the following factors:
 - a) Whether the property does or does not contribute to the significance of the historic district.
 - b) The impact of the inappropriate alterations, construction or demolition on the structure as a whole.
 - c) The impact of the inappropriate alterations, construction or demolition on the historic district as a whole.
 - d) The economic impact on the applicant of complying with the guidelines of the PHDC.
4. After considering all evidence, testimony and criteria, the PHDC will vote on the application. An approval will include acceptance of the claim of economic hardship; approvals may be made of the application as submitted, or modifications may be required as conditions of approval. A denial will include both the application and the claim of economic hardship. Denied claims of economic hardship may not be resubmitted within one (1) year of the date of the written resolution.

DOCUMENTATION REQUIRED

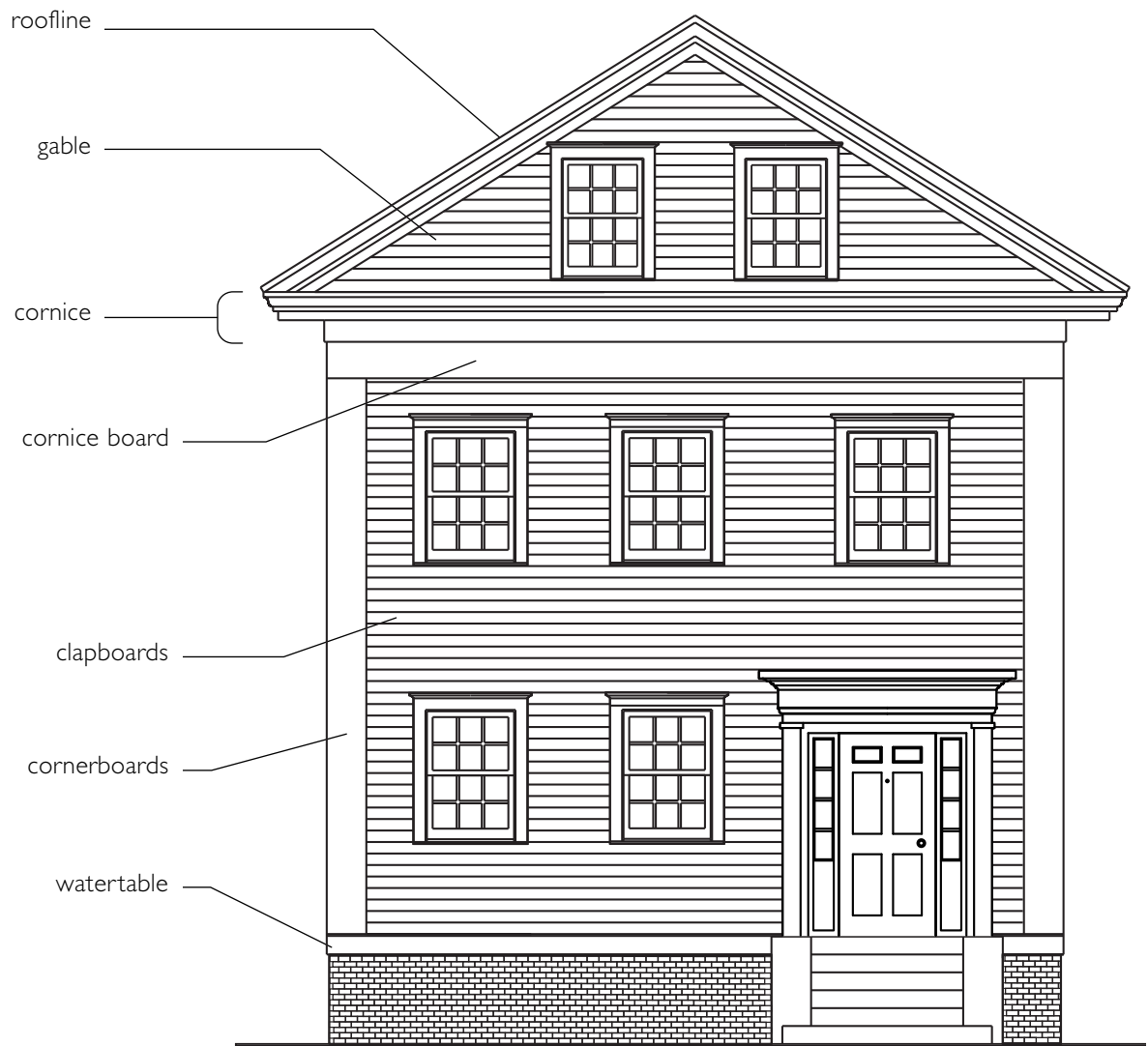
for Economic Hardship

The following information must be submitted in person by appointment with PHDC staff at least **thirty (30) days before a scheduled meeting**.

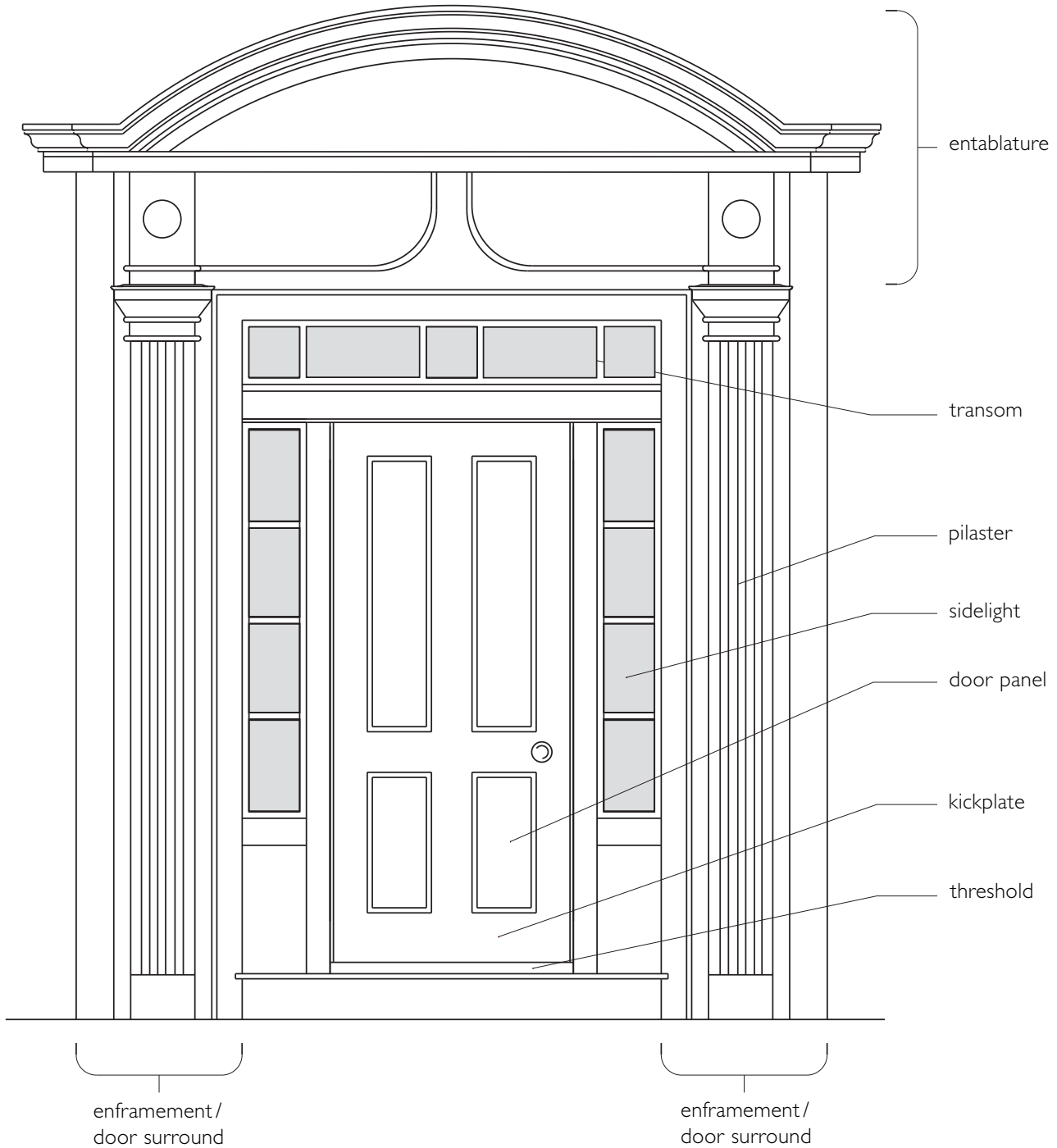
- A completed application form for a Certificate of Appropriateness, signed by the applicant and the property owner, describing existing conditions and proposed changes.
- List of the names and mailing addresses of all abutting property owners, derived from the most recent records of the City Tax Assessor. “Abutters” are defined as those properties whose front, side or rear lot lines touch the lot lines of the subject property, including properties across the street. Abutters of corner lots include the three opposite corner lots, in addition to those sharing side or rear lot lines.
- 35mm color or black and white photographs of the property, showing all elevations, closeups of details and relationship to surrounding structures. Photos are to be at least 4x6 inches and must be labeled with the street address, compass direction and date. High quality digital photographs are acceptable. Color photocopies of slides may be acceptable provided the image reproduces clearly. Photocopied prints and instant (Polaroid) snapshots are not acceptable due to lack of clarity and long-term stability.
- Plans and drawings (to scale) showing all proposed changes (see Alterations, New Construction or Demolition Guidelines, as relevant, for more specific information).
- Form of ownership of the property, including names and addresses of the owners. If the owner is a corporation, institution, government or other organization, include the name and telephone number of a contact person.
- A comparison of the cost of the proposed work with the cost of complying with PHDC Standards and Guidelines (minimum three estimates each).
- Estimated market value of the property: a) in its current condition; b) after complying with PHDC Standards and Guidelines; c) after the proposed alteration.
- Amount paid for the property, the date of purchase and the party from whom the property was purchased, including any relationship between the parties.
- If the property is commercial or income-producing: a) the annual gross income for the previous three years; b) itemized operating and maintenance expenses; c) depreciation deduction; and d) annual cash flow before and after debt service.
- Remaining balance on any mortgage secured by the property.
- Assessed value and real estate tax of the property, according to the two most recent tax assessments.
- Any real estate listing of the property for sale or rent in the past three years, including offers received.
- The long term and short term availability of funds, including income and financing, available to the owner that would allow compliance with PHDC Standards and Guidelines.
- The feasibility of alternative uses for the property that would allow compliance with PHDC Standards and Guidelines.
- Any other information that the PHDC deems necessary for its determination.

GLOSSARY: COMMON TERMS: HOUSE



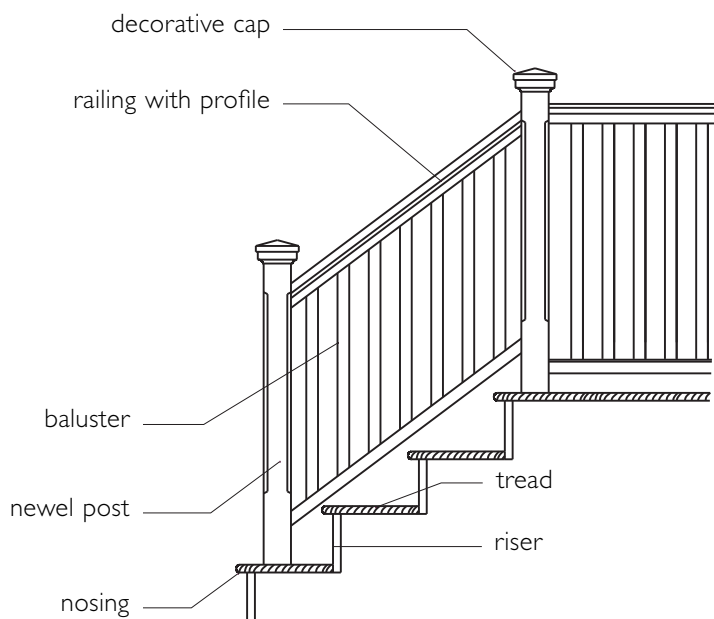


GLOSSARY: COMMON TERMS: DOOR



GLOSSARY:

COMMON TERMS: PORCH



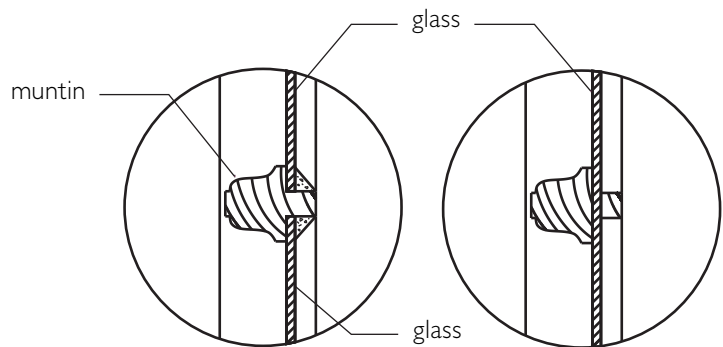
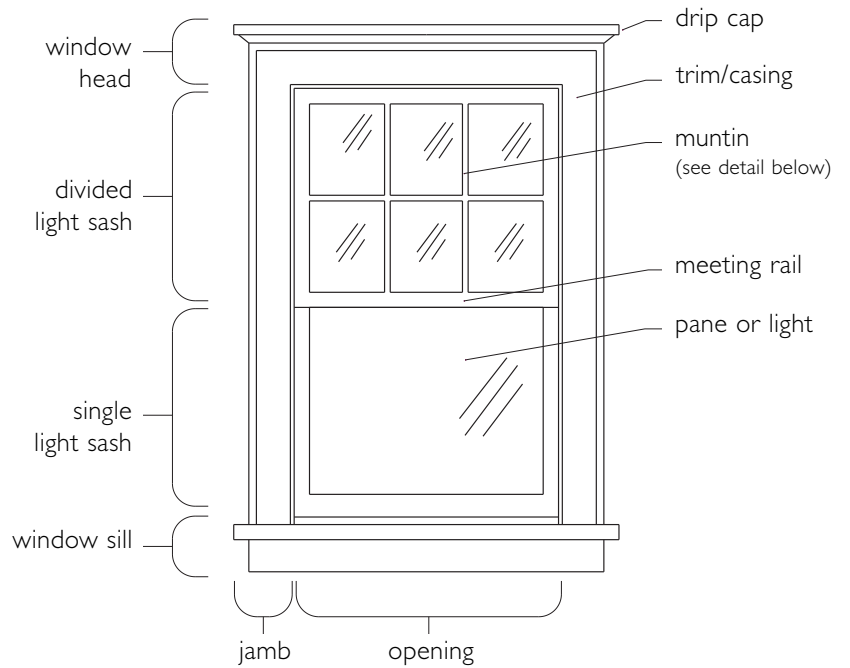
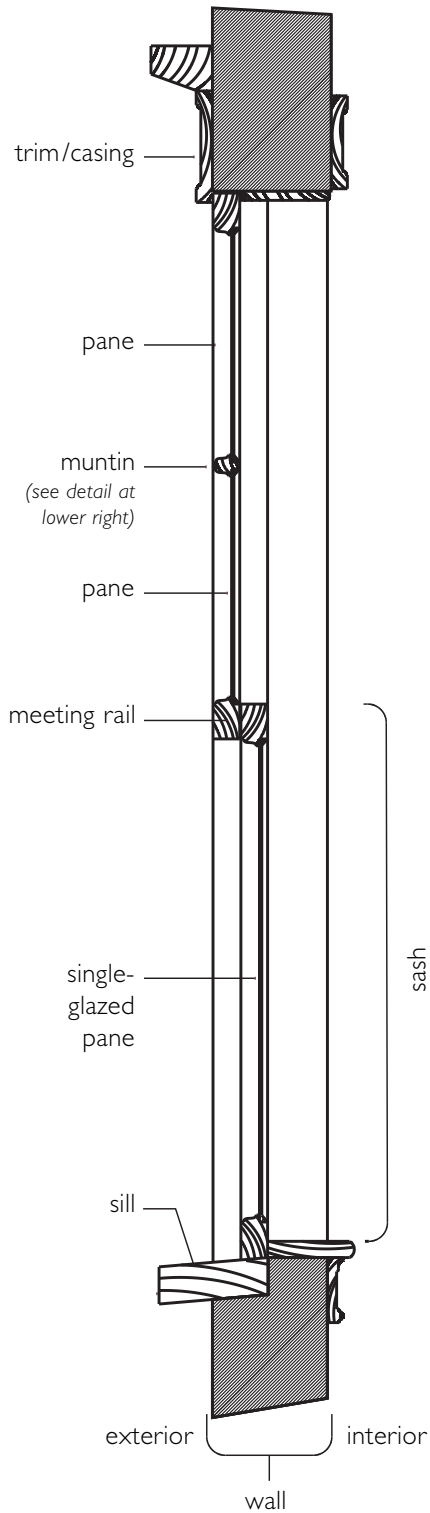
Stair Profile

Tread Horizontal section

Riser Vertical section

Nosing Overhanging portion of tread. The nosing profile should match that of original or typically traditional stairs.

GLOSSARY: COMMON TERMS: WINDOWS



True divided light
Muntin separates two panes of glass.

Simulated divided light
False muntin applied to single pane of glass.

GLOSSARY: HOUSE STYLES



▲ **Federal**



▲ **Greek Revival**

GLOSSARY: HOUSE STYLES



▲ **Second Empire**



▲ **Queen Anne**



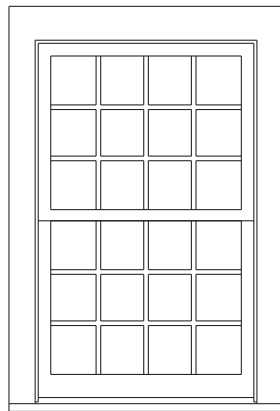
▲ **Colonial**



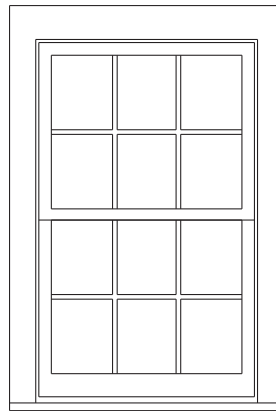
▲ **Triple Decker**

GLOSSARY: WINDOW TYPES

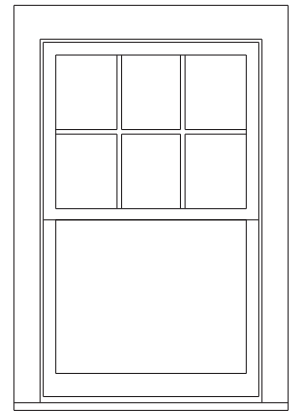
Most historic residential windows are double-hung windows with wooden sashes and true divided lights. Different types of windows are appropriate for different architectural styles and periods. New windows should match originals in materials, design, dimensions, configuration and number of panes.



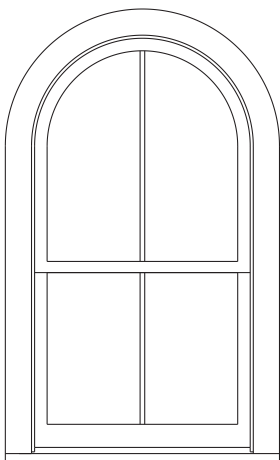
▲ **12/12 Colonial or Federal** (late 18th century)



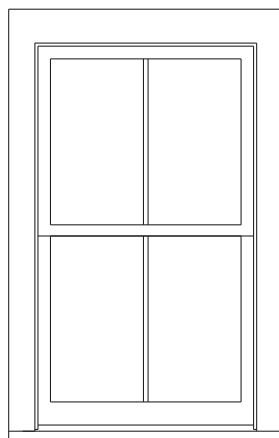
▲ **6/6 Greek Revival** (1830s and 1840s or Federal)



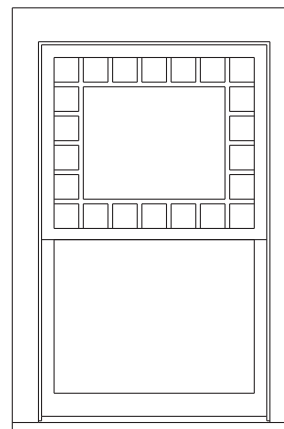
▲ **6/1 Colonial Revival**



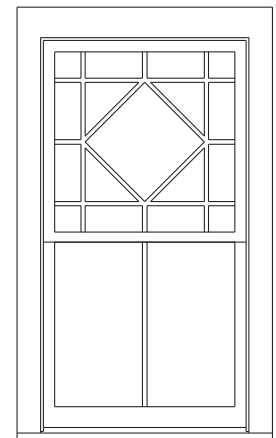
▲ **Arched 2/2 Second Empire** (1860s and 1870s)



▲ **2/2 Second Empire** (1860s and 1870s)



▲ **Multi-light Queen Anne** (late 19th century)

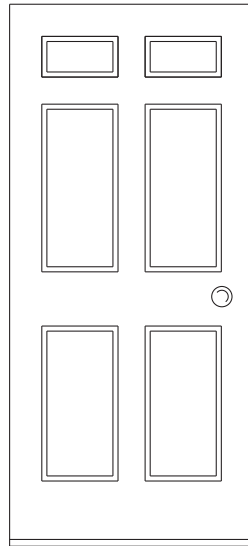


▲ **Multi-light Queen Anne** (late 19th century)

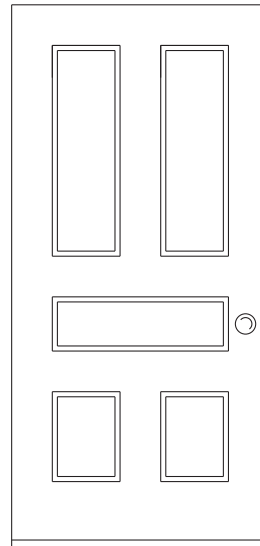
GLOSSARY: DOOR TYPES

Most historic residential doors are wooden paneled doors. In some cases, doors may contain one or more panes of glass.

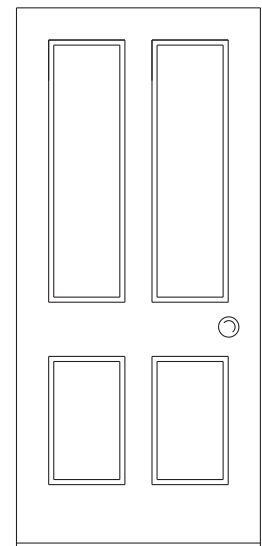
The number and configuration of panels or panes of glass in a replacement should be consistent with the architectural style of the building, and the original dimensions should be maintained.



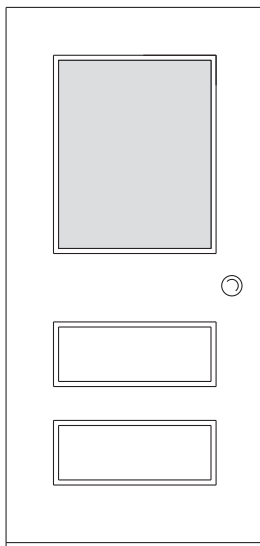
▲ Six-panel



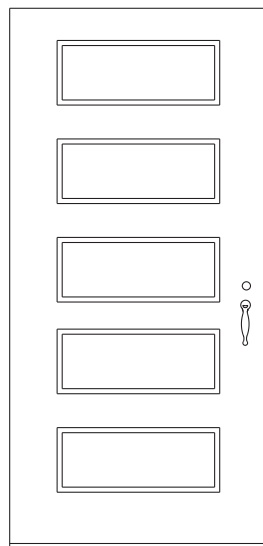
▲ Five-panel



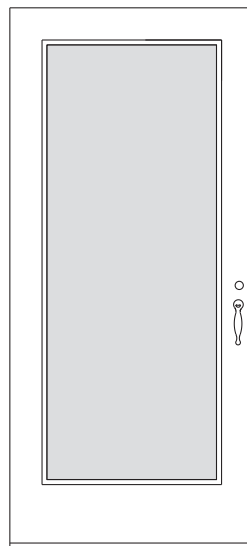
▲ Four-panel



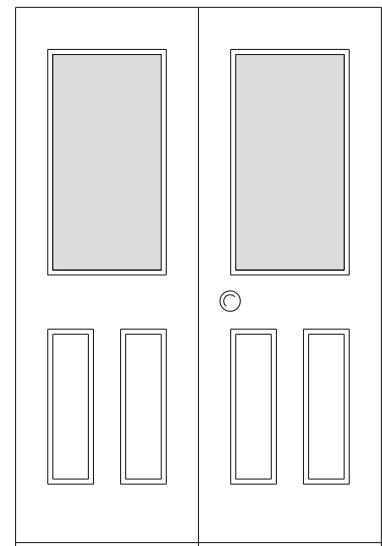
▲ Three-panel with glass



▲ Five-panel



▲ Glass



▲ Double three-panel with glass

EXHIBIT B

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE: Rhode Island	
COUNTY: Providence	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME

COMMON:
Power Street-Cooke Street Historic District

AND/OR HISTORIC:

2. LOCATION

STREET AND NUMBER:
See Continuation Sheet 1

CITY OR TOWN:
Providence

STATE: Rhode Island, 02906 CODE: 44 COUNTY: Providence CODE: 005

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input checked="" type="checkbox"/> District <input type="checkbox"/> Building <input type="checkbox"/> Site <input type="checkbox"/> Structure <input type="checkbox"/> Object	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both	Public Acquisition: <input type="checkbox"/> In Process <input type="checkbox"/> Being Considered	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input checked="" type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify) _____ _____ _____

4. OWNER OF PROPERTY

OWNER'S NAME:
multiple

STREET AND NUMBER:

CITY OR TOWN: STATE: CODE:

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC:
Providence City Hall

STREET AND NUMBER:
Dorrance Street at Washington Street

CITY OR TOWN: Providence STATE: Rhode Island, 02903 CODE: 44

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY:
Historic American Buildings Survey: Draft of Rhode Island Supplement

DATE OF SURVEY: 1970-1971 Federal State County Local

DEPOSITORY FOR SURVEY RECORDS:
Library of Congress

STREET AND NUMBER:
Independence Avenue and 1st Street, S. E.

CITY OR TOWN: Washington STATE: District of Columbia CODE: 11

SEE INSTRUCTIONS

STATE:

COUNTY:

ENTRY NUMBER

DATE

FOR NPS USE ONLY

7. DESCRIPTION

CONDITION	(Check One)					
	<input checked="" type="checkbox"/> Excellent	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

As delineated, the Power Street-Cooke Street Historic District is a residential area on Providence's East Side about six-and-one-half blocks long (south to north, from Power Street to Angell Street) and two blocks wide (west to east, from Hope Street to Governor Street). It developed chiefly during the second half of the XIX Century; but some its history and its buildings--at either end--are both earlier and later. The District's southern boundary, Power Street, marks its earliest history, for this street (first known as Powers Lane) runs all the way up College Hill from Providence's waterfront and is recorded as early as 1738. As the street extended easterly and over the hill to Ferry Lane (called Hope Street by 1806), the new houses reflected current building style, and by the time Power Street development extended to Hope Street and beyond, Federal-period types of houses were going up. These Federal houses, and the Greek Revival houses immediately following, are the oldest houses in the District. They are mostly clustered in its southwest portion--on Power Street and on Cooke Street near Power Street.

By c. 1848-1850 ff. lands to the east (the Governor John Fenner farm) and large homestead properties to the north were being divided and sold off in house-lots: Governor Street was created along the edge of the former Fenner lands; Cooke Street advanced northward; and streets which, like Power Street, had gradually crept over College Hill from the city began to stretch eastward towards Governor Street. These streets are intimate, tree-lined and fairly narrow for the most part; only the perimetral ones--Governor, Hope, Angell and Waterman Streets--have become thoroughfares. House-lots in the older part of the District are in no cases large, nor are the houses themselves generally of notable size, though none could be called a "cottage." In the post-1850's subdivision, lots were made into adequate sites for commodious residences, with perhaps space for a side or rear lawn or a carriage-house, but not more.

Until about World War II the District remained rather "exclusive" and residential, although a few houses were being divided into flats or otherwise subverted from private, meticulously-tended, one-family use. In 1939 Bryant College acquired the Gifford Ladd house and, subsequently expanding, acquired nearby residences which it converted to school and dormitory uses, but without change to exterior appearances. The college also built some three or four new structures, east of Hope Street, none of which conform to the architectural character of the area. Within the last three years Bryant College has left and its properties have been taken over by Brown University, which is presently completing a group of dormitories on Young Orchard Avenue which replace several late XIX-Century ^{houses}. On the whole, however, the Power Street-Cooke Street Historic District still presents the appearance of a quiet, well-maintained residential section. Certain of its buildings are worthy of particular note and will here be mentioned individually (these, together with all other structures in the District, are listed in an appended inventory):

(See Continuation Sheet 1.)

SEE INSTRUCTIONS

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet) -1

STATE	
Rhode Island	
COUNTY	
Providence	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

2. Location.

Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street; having Cooke Street as its central north-south axis, and this street crossed (in this order from south to north) by Young Orchard Avenue, Benevolent, George, Manning and Waterman Streets.

7. Description.

Among a number of Greek Revival houses can be mentioned two typical medium-sized examples, one at 111 Power Street and the other at 7 Cooke Street, both unaltered. Each has its gable or "pediment" end to the street and has a recessed entrance enframed by a simple pilaster-cum-entablature treatment.

Notable examples of Victorian styles were erected at 116 Benevolent Street and 73 Manning Street. The former house, built for Charles Norris Smith c. 1860-1870, was a high brick cube, trimmed largely by manipulated brickwork and surmounted by an angular mansard roof with pedimented dormers; frontal accents were an entrance porch and low fence, both of Stick Style (the past tense must be used, regrettably, for since the inventory was made this house has been razed to allow expansion of the gardens of 110 Benevolent Street). The second house, dating from the early 1880's, explosively displays free imagination in the massing, piling and extrusions of its high and large wooden body--encased in shingling, clapboarding and panelling and showing a great variety of window forms.

Coming to the Colonial Revival of the 1890's ff., an interesting and handsome example is to be seen in the Edward A. Green house at 38 Cooke Street (even though it is in fact cosmetology applied to a structure of 1863). A high gambrel has now replaced the original roof; excellent and studied Colonial detailing has been applied, including a semicircular, balustraded entrance porch, and there is a fine "Salem-type" fence of piers and palings in front of this yellow-and-white-painted house.

In the XX Century, the area continued to develop, following the earlier residential pattern. The E. Bruce Merriman house at 60 Manning Street, designed by Parker, Thomas & Rice, is a sizeable and formal stucco-covered Florentine-villa type of dwelling walled-in from the street: in Washington it could be a legation, and such dignity of appearance was the original intention. At 66 Cooke Street stands a fine Georgian Revival brick house of two storeys, concealing its hipped roof behind a brick parapet. Its end, only, is presented at a discreet distance from the street, and the formal, attenuated porch entrance, char-

(See Continuation Sheet 2.)

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)-2

STATE Rhode Island	
COUNTY Providence	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

7. Description.

acteristic of this building's "Adamesque" adornment--is on a side drive-way. Other houses built in the District in the first four decades of this century reflected a general predilection for the Georgian style and for red brick.

POWER STREET-COOKE STREET HISTORIC DISTRICT,
PROVIDENCE, RHODE ISLAND.

Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street; having Cooke Street as its central north-south axis, and this street crossed (in this order from south to north) by Young Orchard Avenue, Benevolent, George, Manning and Waterman Streets.

INVENTORY OF BUILDINGS.

(The present-day architectural quality and integrity of each building is rated on a scale from 0 (none) to 4 (top priority), and the letter A added to the numeral indicates special importance to the appearance and character of the District.)

Power Street.
(Odd numbers, south side, even numbers, north side.)

126.
(1) House, c. 1895-1900; two-and-one-half storeys, Queen Anne style, clapboarded and singled.
127.
(3A) John A. Townsend house, 1839; two-and-a-half storeys, Greek Revival style, clapboarded, gable-end to the street, later additions.
133.
(3A) John A. Townsend house, 1848; similar to number 127.
134.
(3A) Edwin Halsey Reynolds house, 1852; two-and-one-half storeys, Greek Revival style, clapboarded, gable-end to the street, Ionic entrance porch, moved from Benevolent Street c. 1950.
135.
(3A) House, c. 1815-1825; two storeys with hipped roof and monitor, clapboarded, three-bay front, Federal style.
140.
(3A) Thomas Aldrich house, c. 1800-1805; two-and-one-half storeys, Federal period, clapboarded, five-bay front, large rear ell, moved from Benevolent Street c. 1950.
144.
(3A) Henry Tingley house, c. 1838-1841; Greek Revival style, two-and-a-half storeys, gable-end to the street, clapboarded, moved from Benevolent Street c. 1950
- 147-
149.
(2A) Two-family house, c. 1870; two storeys plus mansard, clapboarded, paired entrances.
148.
(1) Classroom building, c. 1960; three storeys, angular, "functional modern style."

150.
(1A) Governor Elisha Dyer house, 1822, John Holden Greene, architect; two storeys with monitor and cupola, Federal style, clapboarded, columned one-storey porch across front.
151.
(3A) John H. Ormsbee house, c. 1875; two-and-one-half storeys, clapboarded, chalet- and Eastlake-style sawn trim to hipped and cross-gabled roof and to entrance porch.
153.
(2A) Marvin Lyon house, c. 1840-1850; two-and-one-half storeys, Greek Revival style, clapboarded, gable-end to the street, later XIX-Century frontal porch and eastern addition.
154.
(3) Dormitory, c. 1960; 4 storeys, brick and cement.
155.
(3A) John O. Potter house, c. 1840; two-and-one-half storeys, Greek Revival style, clapboarded, gable-end to the street, later porch across the front.
160.
(3A) James Burrough house, 1818; 2 storeys, Federal period, hipped roof with monitor, 3-bay front.
- 161-165.
(3A) House, c. 1850-1860; three storeys, Italianate style, clapboarded, square, low hipped roof, projecting frontal vestibule, side porch.
167.
(3A) Earle-Simmons house, 1841; two-and-one-half storeys, Greek Revival style, clapboarded, gable-roofed, five bays wide with centre doorway.
169.
(3A) Samuel A. Gerald house, 1837; two-and-one-half storeys, Greek Revival style, gable-end to the street, clapboarded, Ionic entrance porch.
171.
(3A) House, c. 1820-1825; two-and-one-half storeys, Federal style, clapboarded, four bays wide with columned entrance porch.
175.
(2A) House, c. 1898; two-and-one-half storeys, clapboarded, high hipped roof with dormers, Colonial Revival detailing.
- 177-179.
(2A) Two-family house, c. 1880; two storeys and mansard, Queen Anne style, turret and gable accents at each end, one-storey porch across centre.
178.
(1A) John Earle house, 1824; two-and-one-half storeys, simple Federal style, gabled, three bays across the front, large dormer and piazza added.
180.
(3A) House, c. 1855-1865; three storeys, Italianate style, square, hipped roof with bracketed cornice, bracketed porch across front.
183.
(1) House, c. 1910-1920; two-and-a-half storeys, akin to Colonial Revival style, hipped roof, clapboarded, large frontal dormer, sunporch at east.
184.
(3A) George A. Burrough house, c. 1828-1833; two-and-a-half storeys, Greek Revival style; gable-end to the street, Doric entrance porch.

Cooke Street.

(Odd numbers, west side, even numbers, east side.)

2.
(3A) House, c. 1895; two-and-one-half storeys, cross-gabled and hipped roof; Queen Anne style with Colonial Revival details; irregular shape; clapboard and shingle covering; entrance within wide porch across part of west elevation.
5.
(3A) Zachariah Chafee house, 1872; three storeys high, including mansard; rectangular shape covered by clapboards, with simple sawn and applied somewhat Italianate trim; entrance porch reached by balustered stair.
6.
(4A) Robert S. Burroughs house, before 1817; Federal style; two storeys under a hipped roof with monitor, and five bays wide; clapboarded and surmounted by latticed balustrades above eaves and on monitor; fan- and side-lit entrance enframed by rusticated quoin and voussoir detailing.
7.
(3A) House, c. 1840; Greek Revival; two-and-one half storeys, gable-end to the street; clapboarded, with simple classical entrance, gable and corner detailing; recessed entry well above street level.
- 8-11.
(2A) Ann and Lucy Draper houses, c. 1878; four three-storey row houses of brick, with flat roofs; angular frontal bays flanking simple porch entrances, low roof parapet; good proportions but near-absence of ornamental detail.
17.
(1) Jacobs Hall, 1957; bald, modern brick classroom building with flat roof; brick-faced; devoid of architectural character.
18.
(2A) Torrey Allen house, c. 1935-1940; of English Regency style and perhaps a re-casing of an earlier house; two storeys high under a hipped roof; walls faced with brick; arched and recessed central entrance flanked by one-storey, concave-roofed bay-windows.
20.
(3A) Shubael Blanding house, 1823-1826; Federal style; two storeys under a hipped roof carrying a monitor; long wing to the rear; four bays across the front with an off-centre, Doric-porticoed entrance; trim of corner quoins and a balustrade on the monitor.
25.
(3A) Mrs. Herbert A. Rice house, by Albert Harkness, 1932; two-storey Georgian Revival house of brick, carrying a hipped roof behind a parapet; Ionic entrance porch flanked by one-storey bay windows; pleasing landscaping.
26.
(3A) House, by Harkness and others, 1850; Italianate style; two storeys of brick with academic detailing under a low mansard roof with pedimented dormers, Ionic entrance porch; cross-gabled brick stable building (2A) with cupola at rear.
37.
(2A) C. H. Merriman house, by Stone, Carpenter & Sheldon, c. 1905; Colonial Revival; two-and-one-half storeys, brick walls, gabled roof, prominent, segmentally-arched entrance porch carried on paired columns.
38.
(3A) Edward A. Green house, 1863, renovated c. 1895-1900; Colonial Revival remodelling of an earlier house; two-and-one-half storeys, clapboarded under a high gambrel roof with pedimented dormers, rounded balustraded entrance porch, "Colonial" fence and gateway on sidewalk.

41.
(2A) House, by Knight C. Richmond, 1911; Colonial Revival; two-and-one-half storeys, clapboarded, beneath a hipped roof with pedimented dormers; pedimented main entrance.
46.
(3A) Caroline S. Bliss house, 1896; Colonial Revival; two-and-one-half storeys, clapboarded, with a gambrel roof and pedimented dormers, central gable feature in front containing main entrance with rounded porch, Palladian window and bull's-eye window above.
56.
(2A) Remington-Ward house, c. 1898; Colonial Revival; two-and-one-half storeys, clapboarded, gambrel roof with pedimented dormers, large, wide entrance porch with balustrade.
61.
(2A) E. and G. W. Parks house, c. 1898; Colonial Revival; two-and-one-half storeys, clapboarded, hipped roof with large dormers, fairly elaborate trim, wrought-iron balcony over entrance.
66.
(2A) House, c. 1925-1935; Georgian Revival, "Adamesque;" two storeys, brick, low roof concealed behind brick parapet, side entrance on driveway with porch having attenuated classical columns.
69.
(3A) Stable of the Charles Potter house, formerly on Waterman Street, by Thomas A. Tefft, c. 1850; Italianate style; two storeys, hipped roof with square cupola, projecting bracketed cornice.
85.
(3A) H. W. Campbell house, c. 1880; Victorian "Stick Style;" two-and-one-half storeys, clapboarded, under steep-cross-gabled roof, part of whose slope extends far down in front to shelter entrance.
87.
(3A) House, c. 1880; similar in type to number 85, but larger and with more applied ornament.
88.
(2A) H. A. Richmond house, c. 1888; Victorian "Shingle Style;" two-and-one-half storeys, brick-faced under a cross-gabled roof and with wood adornments.
- Hope Street.
(Odd numbers, east side, even numbers, west side.)
121.
(3A) Methodist Church (now Rhode Island Historical Society Library), 1873; two-and-a-half storeys, gable roof, plain Victorian Italianate style, brick with stone trim, tower and/or spire removed.
122.
(3A) John Cooke house, c. 1845-1850; two storeys and mansard, originally in simple Greek Revival style, later much enlarged and elaborated with features of the 1870's "Second Empire" style, clapboarded, tower, porches, iron cresting.
125.
(3A) Joseph S. Cooke house, 1819; Federal style, two storeys with hipped roof and monitor, walls now stuccoed, roof and monitor balustrades.

128.
(1) Walter K. Sturges house, c. 1908; Colonial Revival style, two-and-a-half storeys, hipped roof, brick wall cover, modern wing for school use attached.
129.
(2A) Zachariah Chafee, Jr., house, 1887; Queen Anne style with later Colonial Revival applications, two-and-a-half storeys, cross-gabled roof, clapboarded.
130.
(1) Edward R. Bancroft house, c. 1917; Colonial Revival style, two-and-a-half storeys, hipped roof, clapboarded.
131.
(2A) Thomas F. Monohan house, c. 1917; Colonial Revival style, two-and-a-half storeys, hip roof with large frontal dormer, brick and shingle wall cover.

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Brown Univ Down

Governor Street.

(All numbers are on west side.)

116.
(1A) Abby, Alice and Benjamin Adams house, c. 1892; very plain rectangular structure of two-and-a-half storeys with hipped roof and frontal gable, clapboarded.
118.
(2A) House, c. 1865-1875; two storeys with mansard and corner tower, Colonial Revival verandah added later, walls probably originally clapboarded, now covered by composition shingles.
138.
(2A) James Hennessey house, c. 1903; Queen Anne style, two-and-a-half storeys, cross-gabled roof, corner tower with ogee capping, columned porch across front, clapboard and shingle wall cover.
158.
(2A) Harold T. Merriman house, 1907; "Gothic" style, two-and-a-half storeys, steep cross-gabled roofs, entrance within steep-gabled porch, brick and shingle wall cover.

Young Orchard Avenue.

(Odd numbers, north side, even numbers, south side.)

1.
(3A) Sprague-Hidden-I. Gifford Ladd house, 1847, re-cased by Carrere & Hastings, c. 1901; Beaux Arts classical style; two-and-a-half storeys, hipped roof, brick wall cover with much elaborate stone trim, entrance within porte-cochère, large wing added at rear during institutional use.
11.
(3A) William H. Pope house, 1882; late Victorian mansard style, two storeys under a high, angular mansard roof, brick wall cover, entrance in porch placed in an angle of the building.
14.
(1A) Joshua A. Nickerson house, 1898; very plain gable-roofed house of two-and-a-half storeys, frontal porches on first and second floors, clapboard and shingle wall cover.
- 18-20.
(2A) Cunliffe H. Murray house, 1898; Colonial Revival style, two and-a-half storeys, gable roof, entrance within one-storey columned porch, clapboard wall cover.

Benevolent Street.
(Odd numbers, south side, even
numbers, north side.)

104. Peter W. Snow house, 1839; Greek Revival style, two-and-a-half storeys,
(3A) *gible* hipped roof, clapboarded, entrance in one-storey columned porch across
south front, wings added at rear.
106. Ellen Richardson house, 1901; Shingle style, two-and-a-half storeys,
(3A) gable roof--end to street, shingle wall cover, entrance in one-storey
gabled porch.
109. House, c. 1950; "modern, functional" style, two storeys with one-storey
(1) ell, cement-block wall cover, recessed entrance.
110. Robert Burroughs-Winthrop Aldrich house, c. 1821-1827 and given Colonial
(3A) Revival alterations since then, three storeys, hipped roof with small
monitor, entrance within one-storey porch with paired columns, Palladian
window above.
116. Charles Norris Smith house, 1862; Mansard style, two storeys under a high,
(3A) angular mansard roof with prominent, pedimented dormers, brick wall cover
with trim of manipulated brickwork, entrance within central one-storey
porch with slim paired columns, front fence of wooden openwork. (Demolished,
autumn, 1973, since the preparation of this inventory.)
117. House, c. 1860-1870; bracketted chalet style, one-and-a-half storeys,
(3A) cross-gabled roof, clapboarded, entrance in corner porch.
- 121- Campbell-Jackson house, c. 1900; Colonial Revival style, two-and-a-half
123. storeys, hipped and cross-gabled roof, clapboarded, entrances in two one-
(2A) storey porches in angles.
- 129- Randall-Hughes house, c. 1907; Colonial Revival style, two-and-a-half
131. storeys, hipped roof, now has aluminum clapboard wall cover, entrance in
(1A) one-storey centre porch with paired columns, flanked by two-storey bays.

George Street.
(Odd numbers, south side, even
numbers, north side.)

- 225- Ellen and James Richardson house, c. 1896; Colonial Revival style; two-
227. and-a-half storeys, gambrel roof with prominent frontal gable at centre,
(2A) flanked by dormers, clapboarded, varied window treatments, entrance in
one-storey porch with paired Doric columns.
231. Mrs. John H. Tucker house, c. 1891; Queen Anne style, hipped roof with
(2A) gabled, shingled dormers, shingle wall cover, entrance beneath Colonial
Revival hood.
236. Phillips-Matteson house, c. 1911; Federal Revival style, hipped roof with
(2A) balustrade, brick wall cover, front and side entrances in one-storey
porches with Doric columns; property includes one-and-a-half-storey
Italianate carriage house of demolished Amos Smith house by Richard
Upjohn, c. 1860.

251.
(2A) Winthrop Aldrich guest-house, c. 1960; Williamsburg Colonial Revival style, one storey, hipped roof with small cupola, brick wall cover, entrance in loggia, large lot with formal gardens and paths, surrounded by brick and wooden fence.
272.
(1) House, c. 1960-1965; Colonial Revival (Cape Cod) style, one-and-a-half storeys, gable roof, clapboarded, recessed front entrance with sidelights, rear wing appears to be of earlier date.
276.
(3A) G. Richmond Parsons house, 1892; Colonial Revival style, two-and-a-half storeys, gambrel roof, clapboarded, varied window treatments and groupings, entrance inset within one-storey columned corner porch.
279.
(1) House, c. 1855-1860; Italianate style now partially altered, three storeys, flat or very low hipped roof, clapboarded, entrance in porch in angle.
283.
(2A) House, c. 1855-1860; Italianate style, three storeys, flat or very low hipped roof, clapboarded, entrance in porch in angle.

Manning Street.
(Odd numbers, south side, even numbers, north side.)

47.
(1) House, c. 1950-1960; nondescript style, two storeys, low hipped roof, brick wall cover, entrance in small ironwork porch, behind a high, tile-topped stucco wall and replacing a more elaborate house on the site.
51.
(2) Dorothy Sturges house, 1934; Spanish mission style, two storeys, gabled roofs, stucco wall cover, entrance on side driveway.
59.
(2A) Frank D. Lisle house, 1928; Georgian Revival style, two-and-a-half storeys, hipped roof, brick wall cover, stone trim, recessed entrance under iron balcony on scrolled brackets.
60.
(2A) E. Bruce Merriman house, by Parker, Thomas & Rice, 1912; Italianate style, two-and-a-half storeys, stucco wall cover, hipped roof, central front entrance in classical enframing, set back with side garden behind high stuccoed walls.
63.
(2A) House, c. 1930; late Georgian Revival style, two-and-a-half storeys, hipped roof with balustrades, brick wall cover, central front entrance in pedimented enframing.
67.
(2) Rev. Robert B. Parker house, 1903; F. L. Wright-Prairie style, two-and-a-half storeys, spreading hipped roof, yellow brick and stucco wall cover, large windows, entrance within hip-roofed porch on brick piers.
69.
(2A) William S. Howland house, 1894; Colonial Revival style, two-and-a-half storeys, hipped roof, clapboarded, entrance in one-storey porch with grouped columns on side courtyard, extensions to house at east and south.

71.
(2A) Francis J. Phillips house, 1887; Queen Anne style, two-and-a-half storeys, gable roof, clapboard and shingle wall cover, entrance in large gabled corner porch.

72.
(3A) John B. Anthony house, by Howe & Church, 1930; Federal Revival style, two storeys, hipped roof with balustrade, brick wall cover, stone and wood trim, entrance with fan- and sidelights within elliptical columned porch, fanlit triple window above.

73.
(3A) Nicholas B. Young house, 1887; Queen Anne style, two-and-a-half storeys, high cross-gabled roofs, wall treatment of clapboarding, shingling, paneling, varied window treatments and groupings, entrance in large and elaborate gabled porch.

Waterman Street.

(Odd numbers, south side, even numbers, north side.)

144.
(1) Medical office building, c. 1960; nondescript style, two storeys, flat roof, brick wall cover, strip windows, side entrance on parking area.

145.
(0) Medical office building, c. 1960; nondescript style, two storeys, flat roof, brick wall cover, paired windows, entrance in aluminum portico.

148.
(1) Medical office building, c. 1965-1970; modern commercial "mansard" style, two storeys, vestigial shingled mansard roof, recessed entrance on parking area.

148-rear.
(1) House, c. 1960; nondescript style, two storeys, low hipped roof, brick wall cover, paired and grouped windows, unsheltered entrance.

150.
(3A) Benjamin F. Thurston house (now American Red Cross), c. 1873; originally Italianate style but heavily remodelled in XX Century to present late Georgian appearance, three storeys, hipped roof with frontal pediment, brick wall cover, stone and wood trim, entrance in one-storey columned and balustraded porch, Palladian window above.

151.
(2) Medical office building, c. 1964; modern-F. L. Wright style, two-and-one-half storeys, low hipped roof, brick wall cover, entrance under metal canopy on north side.

154.
(2A) S. Standish Bradford house, 1863; originally Italianate style but heavily remodelled in XX Century to present a late Georgian appearance, three storeys, brick wall cover with stone and wood trim, hipped roof with balustrade, south entrance in Ionic porch, west entrance in columned loggia.

157.
(2) Benjamin Buffum house, c. 1857; originally Italianate style but heavily remodelled in XX Century to present a Colonial Revival appearance, three storeys, low hip roof, walls now stuccoed, entrance in pedimented vestibule.

- 157-A.
(3A) Former Benjamin Buffum carriage house (now Brown University Child Study Centre), c. 1857; Italianate style, two-storeys, minor remodelling on exterior, hip roof, brick wall cover, stone trim.
159.
(3) Medical office building, c. 1960-1965; contemporary style, one and two storeys, flat roof, brick wall cover, grouped windows, recessed entrance on north side.
161.
(2A) Mary R. Gardner house, c. 1890; Colonial Revival style, two-and-a-half storeys, high cross-gabled gambrel roof, clapboarded, various window sizes, bay on west side, front entrance now altered.
163.
(2A) George E. Wether house, c. 1887; Queen Anne style, two-and-a-half storeys, cross-gabled roof, clapboarded and shingled, entrance inset in corner porch.
180.
(1) Apartment house, 1950's; nondescript style, three storeys, flat roof, brick wall cover, grouped windows, entrances off parking area.

Angell Street.
(South side only.)

271.
(2A) Charles H. Steedman house, by Clark, Howe & Homer, 1912; Federal Revival style, two-and-a-half storeys, hip roof with balustrade and frontal round-arched pediment, brick wall cover with stone and wood trim, entrance in Adamesque one-storey portico with Palladian window above, behind iron fence mounted on brick wall.
275.
(3A) Alpheus S. Packard house, c. 1880; Stick style, two-and-a-half storeys, cross-gabled roof, clapboarded wall cover with some stick decoration, shallow hoods over some windows, entrance within one-storey Italianate porch in angle.
289.
(2A) House, c. 1899; Colonial Revival style, two-and-a-half storeys, gambrel roof with gabled frontal dormers, clapboarded, front porch and entrance now altered.
295.
(2A) H. Martin Brown house, 1892; Queen Anne-cum-Colonial Revival style, hipped and cross-gabled roof, two-and-a-half storeys high with two-storey bays having extinguisher tops, capboarded, entrance in large one-storey columned porch on north side.
303.
(2A) Mrs. I. Harris Metcalf house, 1895; Queen Anne style, two-and-a-half storeys, hip roof, shingle wall cover, entrance within low-arched recessed corner porch, angle bay with extinguisher top, stained-glass stairway window.
311.
(1A) Sarah T. Bancroft house, 1892; Queen Anne style, two-and-a-half storeys, cross-gabled roof, clapboarded, front entrance now altered.
315.
(2A) George E. Foster house, 1909; Colonial Revival style, two-and-a-half storeys, hip roof with dormers grouped in front, clapboarded, grouped windows, entrance in one-storey, hip-roofed, columned entrance porch at centre front.

323.
(2A)

Granville Gardiner house, 1886; Colonial Revival style, two-and-half storeys, gable roof--end to street, clapboarded over-all originally, but now with new shingles around first floor, front entrance now altered.

325.
(2A)

Charles W. Smith house, 1887; Queen Anne style, two-and-a-half storeys, gable roof--end to the street, clapboard and shingle wall cover, entrance in gabled porch on side elevation.

335-
337.
(1)

House, c. 1885; Queen Anne style but exterior (except for roof) re-cased after 1940, two-and-a-half storeys, hipped roof with prominent gabled dormers, brick wall cover now, irregularly-placed windows, entrances now altered.

SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- Pre-Columbian | 16th Century | 18th Century | 20th Century
 15th Century | 17th Century | 19th Century

SPECIFIC DATE(S) (If Applicable and Known)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Philosophy | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Sculpture | _____ |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Landscape Architecture | <input type="checkbox"/> Social/Humanitarian | _____ |
| <input type="checkbox"/> Art | <input type="checkbox"/> Literature | <input type="checkbox"/> Theater | _____ |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Military | <input type="checkbox"/> Transportation | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Music | | |
| <input type="checkbox"/> Conservation | | | |

STATEMENT OF SIGNIFICANCE

This Historic District--though it has had and will have some institutional use and construction--remains essentially, in use and appearance, a secluded residential enclave greatly appreciated and well cared-for by its inhabitants. It is known and valued by architectural historians, is not far from the College Hill Historic District so much visited by tourists, and to its west and north joins the Hope Street and Stimson Avenue Historic Districts. Its streets are quiet, foliate and handsomely lined by houses dating from the early 1800's through the expensively-produced Colonial and Georgian Revival products of the 1920's 1930's. All are close upon their streets, easily viewed and appreciated.

The succession of architectural styles within the District is fascinating. One begins at the south with the not-large Federal houses of a "merchant," a "seaman," a "captain" and then finds among them the large and stately town-house of a Rhode Island governor. Next come the dignified but not grand Greek Revival houses of importers, bankers, merchants and some professors or physicians. After these come the Italianate, and intentionally more imposing, houses of those prospering in mid-century in textiles and other manufacturing enterprises. Following, in the 1870's-1880's are the eclectic, architecturally-daring and interesting dwellings of the second or third generation of prosperous locals, or else of newcomers. Succeeding is a tendency towards the more discreet exterior décor of the Colonial Revival (including some extensive remodelling of existing high-Victorian structures when especially well-located). Next came a taste for houses of stateliness and formality, adapted either from middle-Italy Renaissance designs or from the dry elegance of the English Adam and Regency periods: these would date within the period encompassed by the two World Wars. Bringing one up to date--and fortunately not numerous--are the barren school-buildings and dormitories erected for Bryant College and Brown University and a few very plain small residences put up since World War II.

Although these last-mentioned structures erode the integrity of the District, they are outnumbered to date. While this residential "island" has no longer its pre-war social status quo, it retains architecturally and visually a very high status, and one which the large body of residents preserve and, surely, wish to protect.

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Cady, John Hutchins: The Civic and Architectural Development of Providence, 1636-1950 (Providence, Rhode Island, 1957), pp. 29, 121, 152, 211, 212, 229, 251, 252, 269, 271, 276.
 Downing, Antoinette Forrester: Early Homes of Rhode Island (Richmond, Virginia, 1937), pp. 335-336.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	41° 49' 44.47"	71° 23' 55.34"		° ' "	° ' "	
NE	41° 49' 44.47"	71° 23' 39.50"				
SE	41° 49' 21.34"	71° 23' 39.50"				
SW	41° 49' 21.34"	71° 23' 55.34"				

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: **41 acres**

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:
 Richard B. Harrington, Consultant

ORGANIZATION: Rhode Island Historical Preservation Commission
 DATE: Nov. 19, 1973

STREET AND NUMBER:
 John Brown House, 52 Power Street

CITY OR TOWN: Providence
 STATE: Rhode Island, 02906
 CODE: 44

12. STATE LIAISON OFFICER CERTIFICATION

NATIONAL REGISTER VERIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National State Local

Name _____

Title _____

Date _____

I hereby certify that this property is included in the National Register.

 Chief, Office of Archeology and Historic Preservation

Date _____

ATTEST:

 Keeper of The National Register

Date _____

SEE INSTRUCTIONS

APPENDIX I.

POWER STREET -- COOKE STREET HISTORIC DISTRICT

The boundary of the POWER STREET - COOKE STREET HISTORIC DISTRICT runs east along the center of Angell Street from the eastern lot line of 199 Hope Street (Plat 13, Lot 185) to the eastern lot line of 299 Governor Street (Plat 14, Lot 354); then south along the eastern lot lines of the lots on the east side of Governor Street to the center of Power Street; then west along the center of Power Street to its intersection with the street which borders Corporal Frederic L. Dyer Memorial Square on the west; then south along the center of said street to the southern lot line of 183 Power Street (Plat 17, Lot 235); then west along the southern lot lines of the lots on the south side of Power Street to the western lot line of 127 Power Street (Plat 16, Lot 188); then north along the western lot line of 127 Power Street across Power Street continuing along the western lot line of 134 Power Street (Plat 16, Lot 535) to the northern lot line of 134 Power Street; then east along the northern lot lines of 134, 140, and 144 Power Street (Plat 16, Lots 535, 95, and 537) to the western lot line of 130 Hope Street (Plat 16, Lot 519); then north along the western lot lines of the lots on the west side of Hope Street to the center of Benevolent Street; then east along the center of Benevolent Street to the eastern lot line of Plat 13, Lot 204; then north along the eastern lot lines of the lots on the east side of Hope Street to the center of Angell Street (excepting entirely the structure located at 269 Angell Street, Plat 13, Lots 67, 185, and 186).



4636
280 000
FEET

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4634

50'

TAUNTON, MASS. 16 MI.
PLYMOUTH, MASS. 42 MI.

4632

(EAST PROVIDENCE)
6767 IV SE

RIVERSIDE 4 MI.
BARRINGTON 7.5 MI.

4631

RUMFORD 3.4 MI.
8.9 MI. TO U.S.

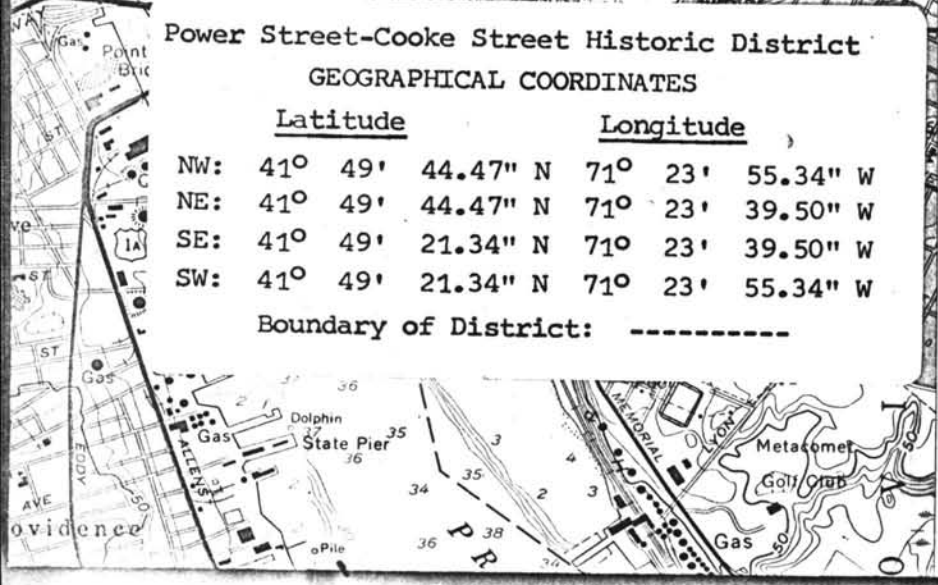
SOUTH SEEKONK, MASS. 3.5 MI.
FALL RIVER, MASS. 15 MI.



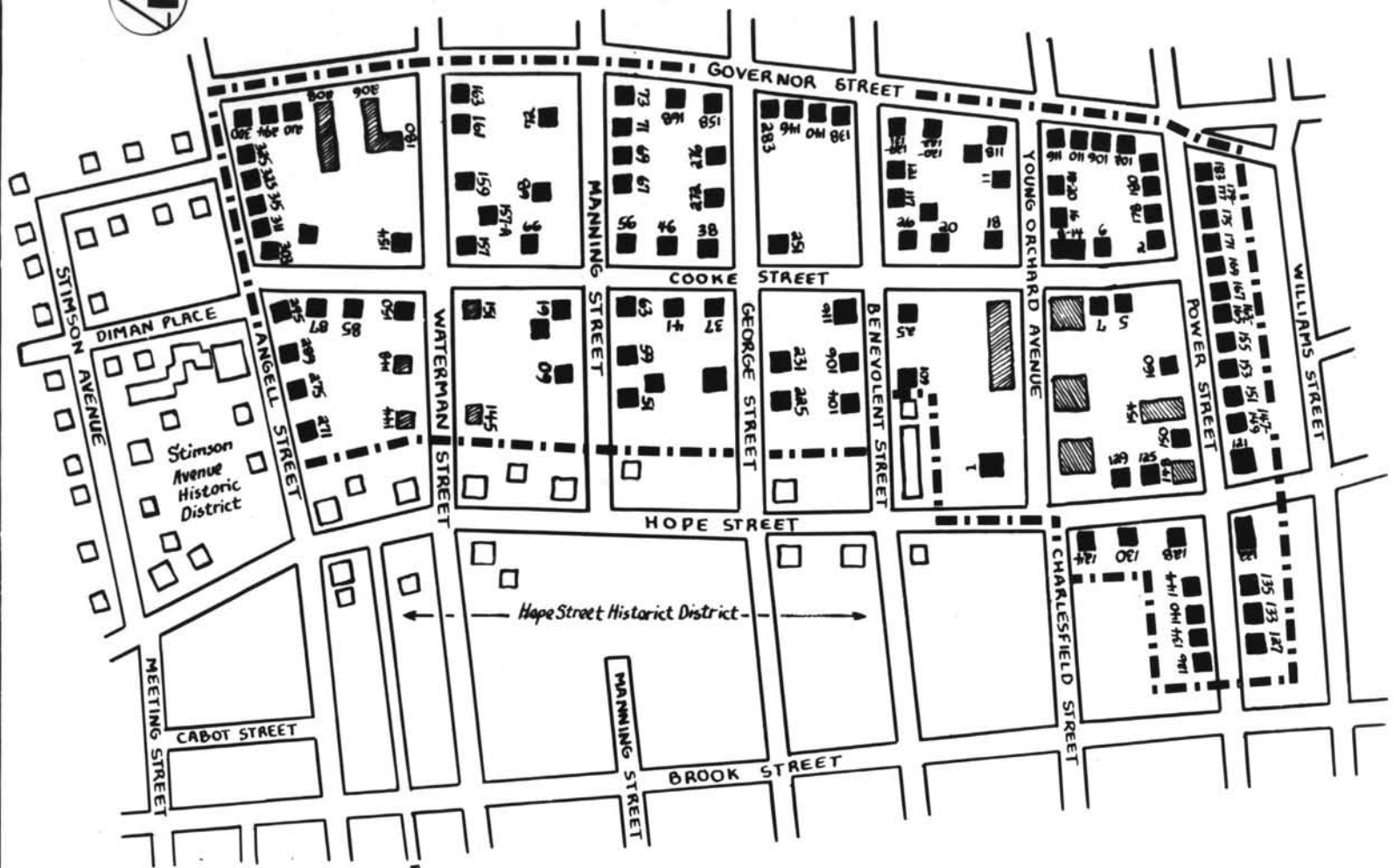
Power Street-Cooke Street Historic District
GEOGRAPHICAL COORDINATES



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NE:	41°	49'	44.47" N	71°	23'	39.50" W
SE:	41°	49'	21.34" N	71°	23'	39.50" W
SW:	41°	49'	21.34" N	71°	23'	55.34" W

Boundary of District: -----



boundary of district: - - - - -



-  Buildings on the National Register
-  Modern buildings which detract from area

POWER STREET-COOKE STREET HISTORIC DISTRICT

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY MAP FORM

(Type all entries - attach to or enclose with map)

STATE Rhode Island	
COUNTY Providence	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME

COMMON: Power Street-Cooke Street Historic District

AND/OR HISTORIC:

2. LOCATION

STREET AND NUMBER: Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street

CITY OR TOWN:

Providence

STATE:

Rhode Island

CODE

44

COUNTY:

Providence

CODE

007

3. MAP REFERENCE

SOURCE:

Rhode Island Historical Preservation Commission

SCALE: None given

DATE: 1973

4. REQUIREMENTS

TO BE INCLUDED ON ALL MAPS

1. Property boundaries where required.
2. North arrow.
3. Latitude and longitude reference.



NO
STREET
ANY
TIME

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

1. NAME

COMMON

Power Street-Cooke Street
Historic District

AND/OR HISTORIC

NUMERIC CODE (Assigned by NPS)

2. LOCATION

STATE

Rhode Island

COUNTY

Providence

TOWN

Providence

STREET AND NUMBER

Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street ...

3. PHOTO REFERENCE

PHOTO CREDIT

Eric Hertfelder

DATE

March, 1973

NEGATIVE FILED AT

Rhode Island
Historical Preservation Com-
mission, John Brown House,
52 Power Street, Providence,
Rhode Island, 02906 .

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

Robert S. Burroughs house, 6 Cooke Street, before 1817. Exterior from the south-east.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

1. NAME		
COMMON Power Street-Cooke Street Historic District	AND/OR HISTORIC	NUMERIC CODE (Assigned by NPS)
2. LOCATION		
STATE Rhode Island	COUNTY Providence	TOWN Providence
STREET AND NUMBER Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street ...		
3. PHOTO REFERENCE		
PHOTO CREDIT Eric Hertfelder	DATE March, 1973	NEGATIVE FILED AT Rhode Island Historical Preservation Commission, John Brown House, 52 Power Street, Providence, Rhode Island, 02906
4. IDENTIFICATION		
DESCRIBE VIEW, DIRECTION, ETC. Governor Elisha Dyer house, 150 Power Street, by John Holden Greene, 1822. Exterior from the south-west.		



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM*(Type all entries - attach to or enclose with photograph)*

1. NAME

COMMON

Power Street-Cooke Street
Historic District

AND/OR HISTORIC

NUMERIC CODE *(Assigned by NPS)*

2. LOCATION

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COUNTY

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TOWN

Providence

STREET AND NUMBER

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by Governor Street, on the west by Hope Street ...

3. PHOTO REFERENCE

PHOTO CREDIT

Eric Hertfelder

DATE

March, 1973

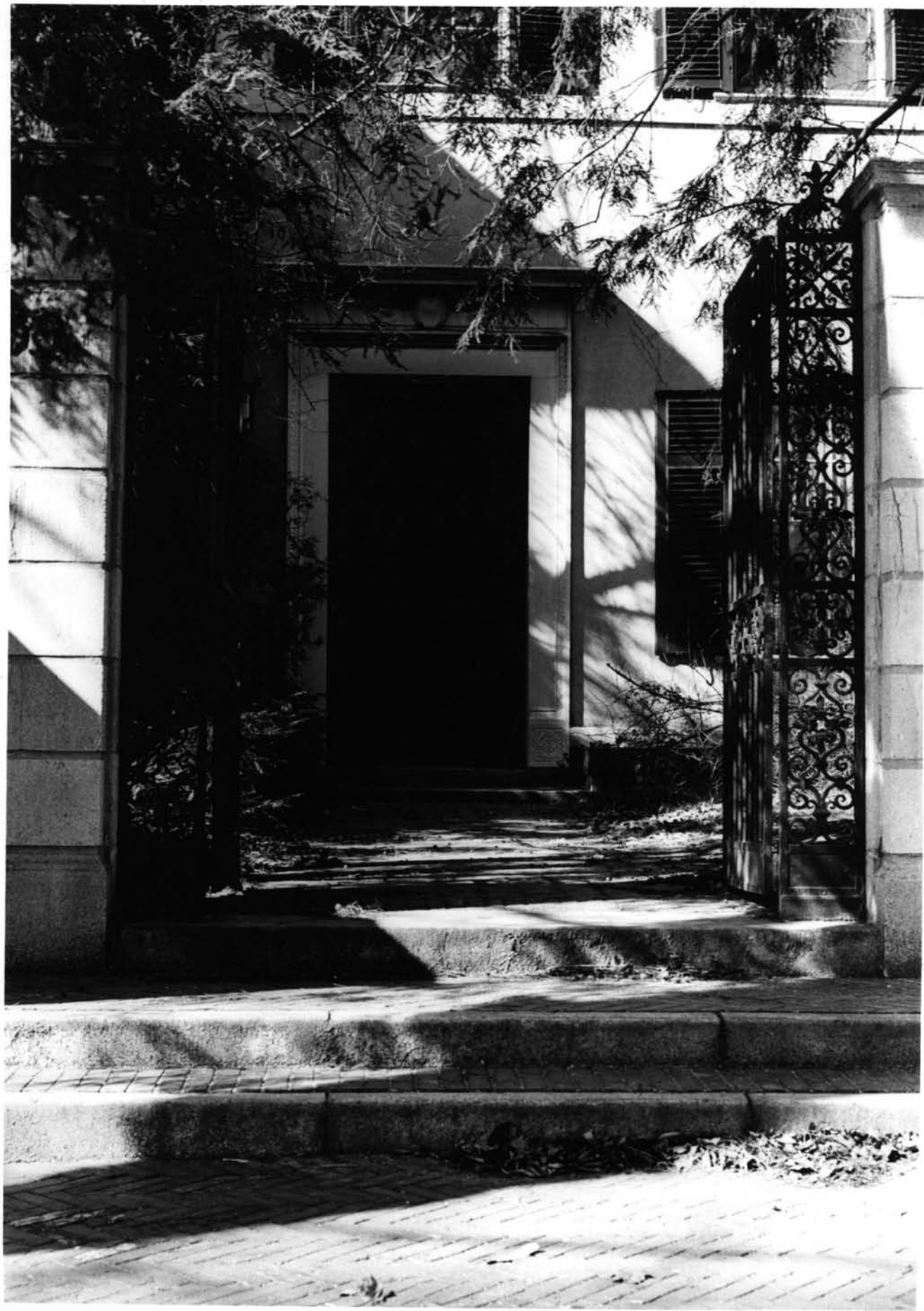
NEGATIVE FILED AT

Rhode Island
Historical Preservation Com-
mission, John Brown House,
52 Power Street, Providence,
Rhode Island, 02906

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

Nicholas B. Young house, 73 Manning Street, 1887. Partial view of exterior from
the north-west.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

1. NAME

COMMON Power Street-Cooke Street Historic District	AND/OR HISTORIC	NUMERIC CODE (Assigned by NPS)
--	-----------------	--------------------------------

2. LOCATION

STATE Rhode Island	COUNTY Providence	TOWN Providence
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STREET AND NUMBER

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3. PHOTO REFERENCE

PHOTO CREDIT Eric Hertfelder	DATE March, 1973	NEGATIVE FILED AT Rhode Island Historical Preservation Com- mission, John Brown House,
---------------------------------	---------------------	---

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

52 Power Street, Providence,
Rhode Island, 02906

E. Bruce Merriman house, 60 Manning Street, by Parker, Thomas & Rice, 1912.
Detail of main entrance and gateway.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

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TOWN

Providence

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3. PHOTO REFERENCE

PHOTO CREDIT

Eric Hertfelder

DATE

March, 1973

NEGATIVE FILED AT Rhode Island
Historical Preservation Com-
mission, John Brown House,

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

52 Power Street, Providence
Rhode Island, 02906

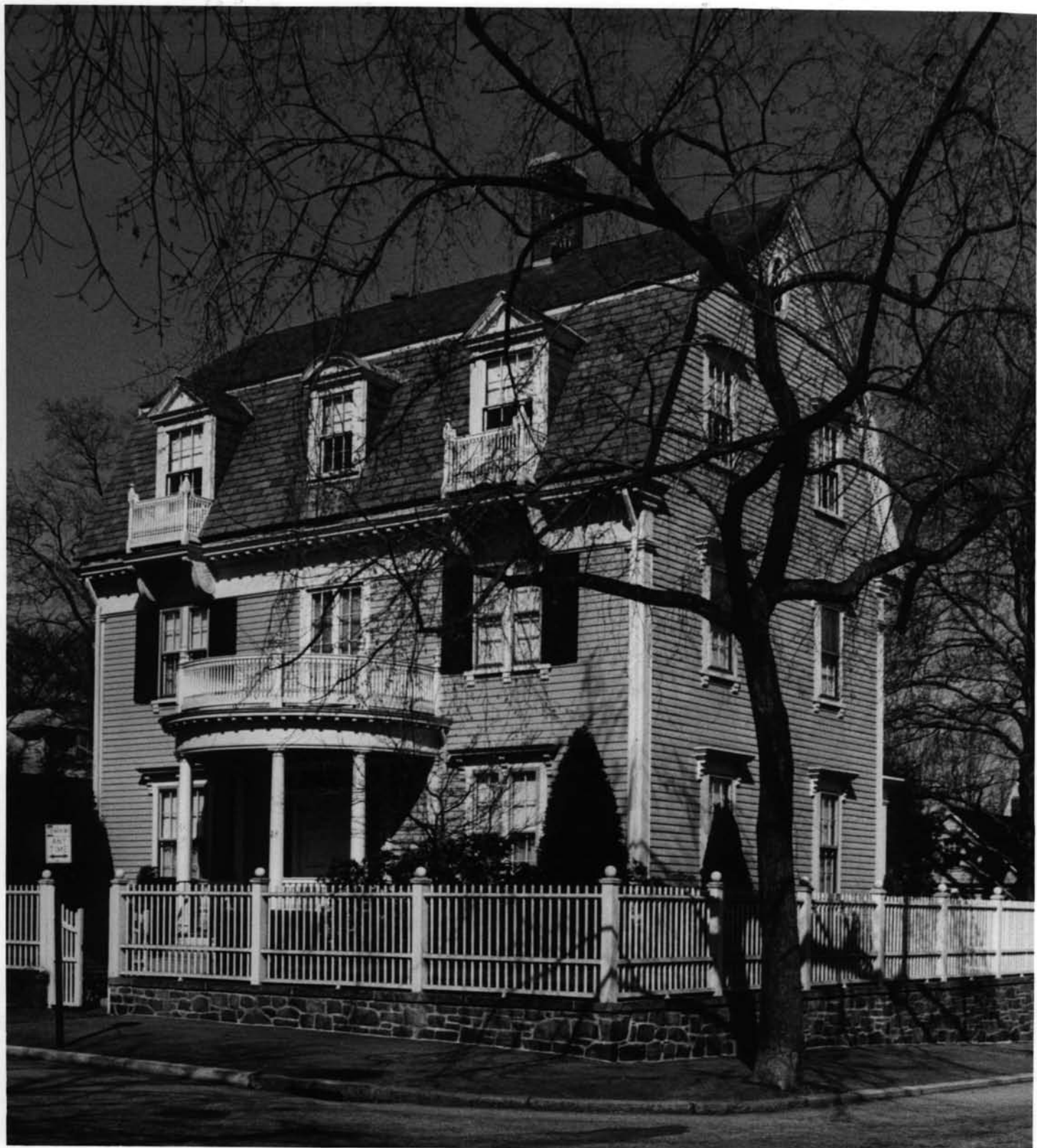
House, 7 Cooke Street, c. 1840, in Greek Revival style. View from south-east.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM*(Type all entries - attach to or enclose with photograph)*

1. NAME		
COMMON Power Street-Cooke Street Historic District	AND/OR HISTORIC	NUMERIC CODE <i>(Assigned by NPS)</i>
2. LOCATION		
STATE Rhode Island	COUNTY Providence	TOWN Providence
STREET AND NUMBER Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street ...		
3. PHOTO REFERENCE		
PHOTO CREDIT Eric Hertfelder	DATE March, 1973	NEGATIVE FILED AT Rhode Island Historical Preservation Commission, John Brown House, 52 Power Street, Providence, Rhode Island, 02906
4. IDENTIFICATION		
DESCRIBE VIEW, DIRECTION, ETC.		

View of the east side of Cooke Street, looking south from George Street, showing Colonial Revival houses and, in the far distance, an earlier, Italianate one.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

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Historic District

AND/OR HISTORIC

NUMERIC CODE (Assigned by NPS)

2. LOCATION

STATE

Rhode Island

COUNTY

Providence

TOWN

Providence

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3. PHOTO REFERENCE

PHOTO CREDIT

Eric Hertfelder

DATE

March, 1973

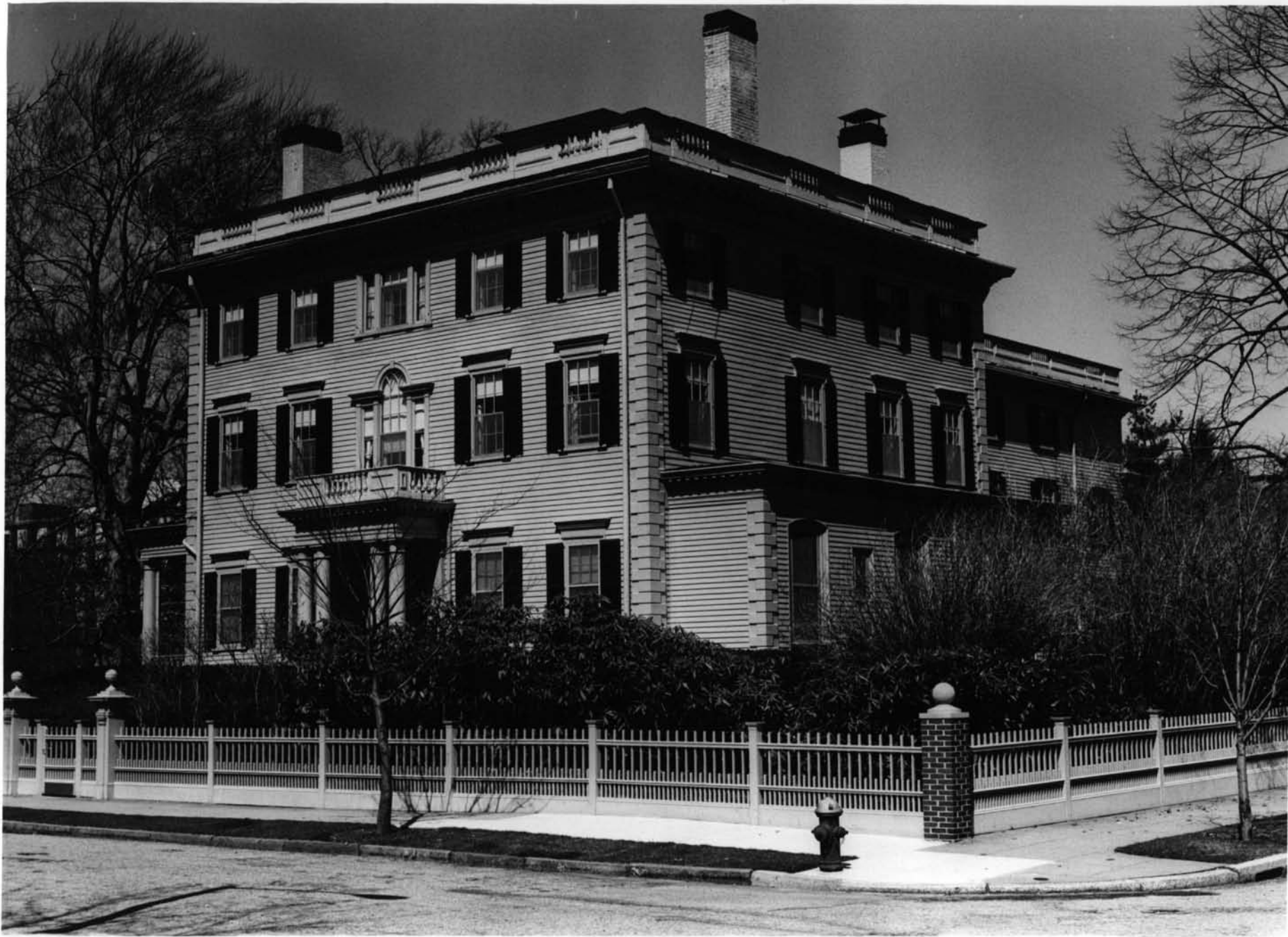
NEGATIVE FILED AT

Rhode Island
Historical Preservation Com-
mission, John Brown House,
52 Power Street, Providence,
Rhode Island, 02906

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

Edward A. Green house, 38 Cooke Street, 1863, remodelled in the Colonial Revival style c. 1890-1900. View from the south-west.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM

(Type all entries - attach to or enclose with photograph)

1. NAME

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Historic District

AND/OR HISTORIC

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Rhode Island

COUNTY

Providence

TOWN

Providence

STREET AND NUMBER

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3. PHOTO REFERENCE

PHOTO CREDIT

Eric Hertfelder

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Rhode Island
Historical Preservation Com-
mission, John Brown House,
52 Power Street, Providence,
Rhode Island, 02906

4. IDENTIFICATION

DESCRIBE VIEW, DIRECTION, ETC.

Robert Burroughs-Winthrop Aldrich house, 110 Benevolent Street, c. 1821-1827, added to in the Victorian period and later given Colonial Revival renovation. Exterior from the south-east.



UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
PROPERTY PHOTOGRAPH FORM*(Type all entries - attach to or enclose with photograph)*

1. NAME		
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2. LOCATION		
STATE Rhode Island	COUNTY Providence	TOWN Providence
STREET AND NUMBER Bounded on the south by Power Street, on the north by Angell Street, on the east by Governor Street, on the west by Hope Street ...		
3. PHOTO REFERENCE		
PHOTO CREDIT Eric Hertfelder	DATE March, 1973	NEGATIVE FILED AT Rhode Island Historical Preservation Com- mission, John Brown House, 52 Power Street, Providence, Rhode Island, 02906
4. IDENTIFICATION		
DESCRIBE VIEW, DIRECTION, ETC.		

James Burrough house, 160 Power Street, 1818. View from the south-east.



4636
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50'

TAUNTON, MASS. 16 MI.
PLYMOUTH, MASS. 42 MI.

4632

(EAST PROVIDENCE)
6767 IV SE
RIVERSIDE 4 MI.
BARRINGTON 7.5 MI.

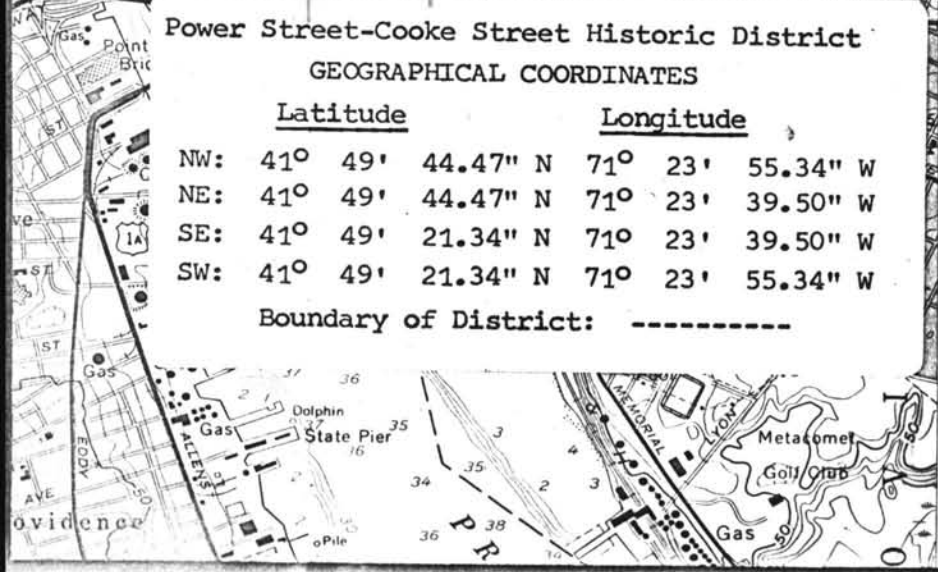
RUMFORD 3.4 MI.
8.9 MI. TO U.S. 1

SOUTH SEEKONK, MASS. 3.5 MI.
FALL RIVER, MASS. 15 MI.

Power Street-Cooke Street Historic District
GEOGRAPHICAL COORDINATES

	Latitude		Longitude	
NW:	41° 49'	44.47" N	71° 23'	55.34" W
NE:	41° 49'	44.47" N	71° 23'	39.50" W
SE:	41° 49'	21.34" N	71° 23'	39.50" W
SW:	41° 49'	21.34" N	71° 23'	55.34" W

Boundary of District: -----



NATIONAL REGISTER OF HISTORIC PLACES
PROPERTY MAP FORM

(Type all entries - attach to or enclose with map)

STATE Rhode Island	
COUNTY Providence	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

SEE INSTRUCTIONS

1. NAME			
COMMON: Power Street-Cooke Street Historic District			
AND/OR HISTORIC:			
2. LOCATION			
STREET AND NUMBER: Bounded on the south by Power Street, on the north by Angell Street. on the east by Governor Street, on the west by Hope Street			
CITY OR TOWN: Providence			
STATE: Rhode Island	CODE 44	COUNTY: Providence	CODE 007
3. MAP REFERENCE			
SOURCE: U. S. Geological Survey			
SCALE: 1: 24,000			
DATE: 1957			
4. REQUIREMENTS			
TO BE INCLUDED ON ALL MAPS			
1. Property boundaries where required.			
2. North arrow.			
3. Latitude and longitude reference.			

EXHIBIT C

STATE OF RHODE ISLAND
PROVIDENCE HISTORIC DISTRICT COMMISSION

* * * * *
PROCEEDINGS AT HEARING IN RE:

118-126 BENEVOLENT STREET,
VACANT LOT (POWER-COOKE) APPLICATION

CASE NO. 24.079

* * * * *

JULY 22, 2024

4:45 P.M.

PROVIDENCE HISTORIC DISTRICT COMMISSION
444 WESTMINSTER STREET
1ST FLOOR, CONFERENCE ROOM
PROVIDENCE, RI 02903

REBECCA J. FORTE COURT REPORTING
33 Rollingwood Drive
Johnston, Rhode Island 02919
(401) 474-8441

BOARD MEMBERS PRESENT:

Edward Sanderson, Vice Chair
Catherine Lund
Rachael Dotson
Neal Kaplan
Glen Fontecchio

STAFF PRESENT:

Jason Martin
Lev Simon

I N D E X

WITNESS FOR THE APPLICANT	PAGE NUMBER
CHRISTINE WEST & ANDREW DOYLE, KITE ARCHITECTS.....	5
PUBLIC COMMENTS:	
LAURIE LEE (140 GOVERNOR STREET).....	20
CLAUDIA ELLIOTT (130 BENEVOLENT STREET).....	24
BONNIE MITTLEMAN (121 BENEVOLENT STREET).....	25
CYNTHIA RAGONA (253 GEORGE STREET).....	28
MARK & JENNIFER MASIELLO (26 COOKE STREET).....	33

Providence Historic District Hearing - July 22, 2024

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MONDAY, JULY 22, 2024

(Commencing at 4:45 P.M.)

VICE CHAIR SANDERSON: All right. Good afternoon. This is a meeting of the Providence Historic District Commission. It's Monday, July 22nd. And we will begin with a roll call. As Vice Chair, I'm filling in for our Chairman. My name is Ted Sanderson.

MR. KAPLAN: Neal Kaplan.

MS. LUND: Cathy Lund.

MR. FONTECCHIO: Glen Fontecchio.

MS. DOTSON: Rachael Dotson.

MR. MARTIN: Jason Martin, staff.

VICE CHAIR SANDERSON: Let's see. So we are up to number seven, right?

MR. KAPLAN: Number seven.

VICE CHAIR SANDERSON: Oh, this is case number 24.079, 118-126 Benevolent Street, a vacant lot. So we will ask you to each identify yourself for the record and raise your hand and promise to tell the truth.

MS. WEST: Christine West, principal at KITE Architects. I swear to tell the truth.

MR. DOYLE: Andrew Doyle, architect at

1 KITE Architects. I swear to tell the truth.

2 VICE CHAIR SANDERSON: Thank you very
3 much. And welcome. All right. So Christine and Andrew
4 are here to talk about the request to construct three
5 single-family residences with detached garages. So this
6 is 118-126 Benevolent Street. It's currently divided
7 into two lots, but would be divided into three
8 necessary, and for all intents and purposes, equal lots
9 with approximately 50-foot-wide street frontage. We
10 have a new three-story single-family residence each with
11 about 1,500-square-foot footprint and a 40-foot height
12 over full basements with detached garages. Private
13 driveways for each. They're all obviously separate
14 lots. Staff has found the building's form and siting is
15 appropriate for the location. This is a conceptual
16 review as this is new construction. And I will after
17 that be quiet and let Christine and Andrew walk us
18 through the proposal.

19 MS. WEST: Great. Good, thank you.
20 Yeah, so I'll just tell you, Jason. Yeah, perfect.
21 Okay. So what we have on screen is the photos on site a
22 few weeks ago of the existing property. Again, it's
23 vacant right now, and it's currently subdivided into two
24 lots. As we'll see in the site plan, the proposal is to

1 re-divide them into three lots each over the
2 5,000-square-foot minimum. It's a little hard to tell
3 the context from this side. So we've included a couple
4 other shots.

5 You can go to the next one. Right. So in your
6 presentation materials, you will see this overhead
7 aerial view which shows the surrounding neighborhood.
8 So we're just off of Cooke Street, between that and
9 Benevolent -- sorry, Governor Street. The properties to
10 the left are larger. Most three-story or
11 two-and-a-half, as we go to Governor Street, we start to
12 get more in the range of Victorian. To the left, it's a
13 bit more kind of Federal-era inspired. We have the very
14 large Governor apartment building to the lower right.
15 And pretty much every style you can think of is
16 represented within a two-block area. So it's been
17 interesting to kind of think about what might be
18 appropriate for a new construction, you know, that's
19 built in 2024.

20 The next slide, if you can do that, also shows in
21 the other direction. Now we come back to these. But
22 again, we'll -- we have some examples coming up of
23 showing, you know, Inspiration ones. We've chosen ones
24 that kind of have more of a uniform and sort of more

1 predominant presence on Cooke Street. So, you know,
2 fairly large, moderate density. I would say there's
3 definitely much denser neighborhoods in Providence,
4 there's definitely less. But I think we're dealing with
5 a fairly typical urban pattern for basically this
6 section. And it is a new historic zone. So slightly
7 different from College Hill, maybe you might be familiar
8 with the recent history of the adoption.

9 Okay. So we can go to the next one. Do we have
10 the (inaudible) slide in here, or is that after?

11 MR. DOYLE: That's going to be at the
12 end, but we could --

13 MS. WEST: Okay.

14 MR. DOYLE: -- just skip if you wanted
15 to.

16 MS. WEST: Yeah. Why don't we just
17 quickly show you what we're looking at here. This would
18 be the division into three. And these diagrams are
19 really not final. They're really meant to convey the
20 general design intent of the massing location of the
21 footprints. And we also intend to comply fully with the
22 zoning requirements in place. As new construction, you
23 know, that's under our control. And so, we wanted to
24 prove that we could meet the pervious, impervious

1 coverage requirements that overall setbacks and still
2 meet our access driveway requirements and such.

3 Okay. So we can go through the next two to three
4 site diagrams. Okay. And we also know that this is
5 massing and conceptual review, but wanted to share these
6 footprints. These are single-family homes. The
7 detached garage is just a garage. We do not have any
8 kind of ADU planned at this moment. It is, again,
9 meeting the intent of the single-family zoning
10 requirements. Each home will be substantially similar
11 on the interior. As you'll see in a moment, we do
12 intend to vary the siting as well as the composition of
13 each home to reflect It's a unique character that still
14 fit cohesively within a single design.

15 So, let's go to the next -- and that's the garage
16 plan. Again, as you can see, it's a fairly small room.
17 It could be a workshop, it could be a playroom, it could
18 be a guest room, but it's not the intent to make this an
19 ADU. Okay. So here we are, the more entertaining
20 things. So we've chosen four local Inspiration
21 precedents, all within fairly close reach of this house.
22 And you can see, we're zeroing in on the three, the one
23 on the right in the top row, and then the bottom two
24 with more of a Federal style. Well, maybe late Georgian

1 with it's characterized by a very simple square
2 rectangular volume, symmetry, and alignment of the
3 windows. Generally, an entry feature, many with hip
4 roofs, some balustrade. There are other examples that
5 have the dormers that we'll see in a moment.

6 We also included the one on the upper left, The
7 Governor Apartments because It has this very interesting
8 way of presenting itself to the street in three parts
9 with the center set back and the two wings. And I'll
10 describe a more subtle version of that and why that's
11 relevant as the inspiration, because that is a much
12 earlier example of architecture than these other homes.

13 Okay. Next page, please. Okay. So this is an
14 overview of what we're looking at. Obviously, this is
15 very conceptual. We're not showing the adjacent
16 properties in this view. But the intent here is to
17 provide three houses that are related to each other and
18 almost appear as if they were one home with wings. The
19 distance that you're able to get away from on the
20 street, it's not a terribly wide street. I don't know
21 if anybody will be fooled for long, but the general
22 impression is to create this sort of ABA rhythm. So
23 obviously, the center one is taller and more prominent.
24 And that is actually shifted closer to the street. We

1 have a fairly limited range of how far we can push and
2 pull these within the zoning. We have five feet of
3 wiggle room. We understand that the setback is a
4 minimum of 11.1. We're allowed to go to 16.1. So we're
5 trying to leverage that to create some push/pull to make
6 that centerpiece more prominent.

7 And again, the exact design details we are still
8 working through, but the intent is to have these all at
9 the same elevation. The property does slope about eight
10 feet from the very northwest down to the very southeast.
11 Most of it is flat until it kind of dips at the far
12 right. So we're working through the grading now, but
13 the intent is to have these to meet the maximum height
14 of 40 feet and not an inch more, yet still maintain kind
15 of an alignment. You can see how we're using the
16 dormers on the side ones to -- and identical designs on
17 the right and left to kind of reinforce some of the
18 symmetry that's inherent in the design inspiration. And
19 then you can see, you know, generous use of the dormers
20 over the garage to create that bonus room.

21 Okay. Let's look at the next sketch. Again, very
22 similar. And, you know, trying to stay within the
23 precedent of the very rigid alignment to create that
24 symmetry, that balance, and do what we can with the

1 interiors to make sure that makes sense and not like a
2 more contemporary house that might have windows that are
3 more functionally specific. And use some tricks to
4 disguise where we might have, say, a kitchen counter
5 that is near -- I don't need to go into detail. But
6 this kind of gives you an idea of that height and
7 elevation.

8 I do want to specifically mention the trees. I
9 understand there's a neighbor. It's just come to our
10 attention at this hearing that -- and we'll hear from
11 the neighbor that there's a very large maple on the
12 other side of the property line, it's not on this
13 property, that we want to be very careful to protect.
14 It looks like a very important tree. So there are
15 definitely things you can do during construction to be
16 sensitive to that, understand how the roots work, take
17 care of them. We have experience and some knowledge
18 about how to do that. We'll look at the foundation
19 design. We'll see what we can do to make sure that the
20 neighbor's property isn't negatively impacted. There
21 are a number of other smaller trees. We have informally
22 measured them, and we have not found any significant
23 trees on the property. We'll, of course, confirm that
24 with an arborist.

1 All right. I'll leave it at that. Oh, one more.
2 Yes. Yes, that's going to come up the street looking
3 back.

4 MS. LUND: What --

5 MR. FONTECCHIO: Do you happen -- I'm
6 sorry. Do you happen to have pictures of the houses
7 across the street from this site?

8 MS. WEST: They're a little hard to see
9 with this screen resolution. Apologies. We don't,
10 because they're pretty clear in the overhead aerial
11 view, but maybe we can zoom in.

12 MR. FONTECCHIO: Or the streetscape?

13 MS. WEST: Yeah, yeah. That's the
14 aerial view.

15 MS. LUND: This is a process.

16 MR. KAPLAN: Perfect, yeah.

17 MS. WEST: Oh, sorry, if I can't --

18 MR. FONTECCHIO: Exactly.

19 MS. WEST: Yeah. So this is a
20 side-by-side townhouse, both single families, but with a
21 party wall, and then there's that house. And then --

22 MR. FONTECCHIO: And then the house
23 immediately to the east of the site, there's a,
24 apparently, late 19th century Queen Anne, maybe a hint

1 of shingle-style full colonial porch I think. Big
2 building.

3 MS. WEST: Yeah.

4 MR. FONTECCHIO: On the corner.

5 MS. WEST: That one. Is that what
6 you're talking about?

7 MR. FONTECCHIO: I don't think so. The
8 one I'm thinking of, it -- it's on, it's on the same
9 side of the street as the proposed development.

10 MS. WEST: Oh. This one?

11 MR. FONTECCHIO: A big, big tower.
12 There we go.

13 VICE CHAIR SANDERSON: Um-hum.

14 MR. FONTECCHIO: So those buildings that
15 we just looked at seem to have a different architectural
16 character than the sort of boxy conceptual.

17 MS. WEST: Yeah, we intent -- right.
18 Well, we intentionally went more towards the Cooke
19 Street precedent, rather than the Benevolent Street
20 precedent -- the Governor -- sorry, than the Governor
21 Street. The Governor Street is definitely more
22 Victorian, more multifamily, just a very different kind
23 of character than we want to do with these single-family
24 homes where the precedents that we showed are going west

1 towards Cooke Street. And it's there that we're
2 considering the kind of insolence on this.

3 VICE CHAIR SANDERSON: But again, this
4 is conceptual review.

5 MS. WEST: Yes.

6 VICE CHAIR SANDERSON: At this point?

7 MS. WEST: Yup.

8 VICE CHAIR SANDERSON: Because this is a
9 very --

10 MS. WEST: I'm also doing the
11 street-view thing so I can show you. Yeah. So --

12 MS. DOTSON: We're breaking Google.

13 MS. WEST: Yeah, exactly. Yeah, so in
14 particular, if you go a little bit south on Cooke
15 Street, you see some very fine examples of style. Yeah,
16 this one.

17 MR. DOYLE: Yeah, that's around the
18 corner, right?

19 MS. WEST: Right there.

20 MS. LUND: And then the large brick one
21 right across the street. Is the plan for brick houses
22 or is it different material?

23 MS. WEST: We're not submitting anything
24 on materials today. So I don't want to make any

1 commitments.

2 MS. LUND: Sure.

3 MR. KAPLAN: This is about sphere and
4 mass, right?

5 MS. WEST: It is.

6 MR. KAPLAN: (Inaudible) and it's all
7 conforming to all of your zoning issues?

8 MS. WEST: Correct.

9 VICE CHAIR SANDERSON: Yeah.

10 MS. LUND: What did, what did everyone
11 think about the garages being in such a straight line?
12 It just looked a little --

13 MR. KAPLAN: Kind of uniform?

14 MS. LUND: Yeah. And then maybe that's
15 the only place they can go with --

16 MS. WEST: Yeah. So we're locked in by,
17 you know, physical requirements of a car. It has
18 certain turning radius and needs to get into the garage.
19 We didn't want to face the doors towards the street. It
20 honestly doesn't buy you much room. We actually get
21 more yard space if the doors are pointed away. And
22 also, it's just not nice to have your garage like facing
23 into the street. So that's the reason we turned the
24 corner. And we would be able to go to the site plan to

1 check out what I mean. That's where we started with is
2 kind of putting them a little front and center, but --

3 MS. LUND: Yeah, it just seems like if
4 they were -- if the spacing or something, it just feels
5 a little like a subdivision. You know, everything is in
6 exactly the same position.

7 MS. DOTSON: Um-hum.

8 MS. WEST: Yeah. Yeah, I mean, we
9 definitely have some flexibility there. We also wanted
10 to make sure we had a good green space, you know, having
11 some vegetation, having everything -- in the hatched
12 area is really green space and pervious cover, you know,
13 stone pine paths or otherwise compliant. So, you know,
14 it's a very lush neighborhood, and certainly having that
15 green space is an amenity. So having space behind the
16 garage isn't as much of a priority I guess.

17 MS. LUND: Sure.

18 MS. WEST: But I just want to make sure.
19 And given the concerns about the tree, you know, that
20 might make sense. I will say it is very tough to meet
21 some of these pervious cover maximums with the
22 traditional patterns that we see in the neighborhood.
23 So, but mathematically it works, so.

24 MS. DOTSON: I think the only thing that

1 stuck out to me about the garage is, you know, we have
2 an ABA pattern for the houses, and the garages were all
3 the same. And maybe if there was a window difference or
4 just --

5 MS. WEST: Oh yeah.

6 MS. DOTSON: -- something that might
7 help.

8 MS. WEST: Yeah, maybe that would
9 address Cathy's concern about the uniformity and have
10 the similar kind of variation in that.

11 MS. DOTSON: Yeah.

12 MS. LUND: Yeah.

13 MS. WEST: Yeah. That's a great idea.

14 MS. DOTSON: And so I know you said you
15 weren't -- the plan wasn't to do ADUs in the garage, but
16 are you -- is sewage running back to the garages or is
17 it just going to be electric?

18 MS. WEST: I don't know that we're at
19 that stage yet.

20 MS. DOTSON: Okay.

21 MS. WEST: But yeah, if it was a guest
22 room, a toilet would be, you know, a nice amenity. Even
23 if it's a workshop, it would be nice to have that
24 amenity. You know, there's a lot of live-work people

1 who don't want to have to run back to the main house
2 every time.

3 MS. DOTSON: Um-hum.

4 MS. WEST: So, you know, I think it's
5 likely that we would either do that or let the new owner
6 do that.

7 MS. DOTSON: Okay.

8 MS. WEST: As you know, the definition
9 of ADU is the cooking area. You can have a guest room
10 that's a bath and everything.

11 MS. DOTSON: Um-hum.

12 MS. WEST: It's once they have a kitchen
13 that it starts to become a legal ADU.

14 VICE CHAIR SANDERSON: Well, not for
15 much longer.

16 MS. LUND: Yeah. Right.

17 VICE CHAIR SANDERSON: Pretty sure they
18 will be.

19 MS. LUND: Yeah.

20 MR. FONTECCHIO: By the time these are
21 built, they will be allowed.

22 MS. LUND: Um-hum.

23 MS. DOTSON: Right.

24 MS. WEST: But yeah, it is.

1 VICE CHAIR SANDERSON: Yeah, yup.

2 MR. FONTECCHIO: I don't have a problem
3 with it at this level.

4 VICE CHAIR SANDERSON: What?

5 MR. FONTECCHIO: At this level, I don't
6 have any problem with what's being shown. I think
7 there's a lot of details and that's where the character
8 is really going to come into vision.

9 VICE CHAIR SANDERSON: Okay.

10 MR. FONTECCHIO: But I think the idea of
11 the -- applying the ABA to the garages is a great idea.

12 MS. WEST: Sure.

13 MS. LUND: I don't have anything else.

14 VICE CHAIR SANDERSON: I think the same
15 concern about the main buildings looking too similar to
16 each other so that it looks like a mini subdivision is a
17 good point to make. I'm sure that you plan to detail
18 them, and I mean within the general mass we could adjust
19 the buildings themselves.

20 MS. WEST: Yeah.

21 VICE CHAIR SANDERSON: And I would
22 encourage the buildings to fit in with the buildings
23 that are immediately adjacent to them, as well as
24 buildings that are block or two away. Just as you go

1 forward thinking about the design development.

2 Any other comments before we do public? Is there
3 a public comment?

4 MR. MARTIN: Yes, sir, Mr. Chair. I've
5 got two in the audience.

6 VICE CHAIR SANDERSON: A couple of hands
7 raised in the audience. Yeah.

8 MR. MARTIN: I got a couple of hands
9 raised in the audience. Let me just go to the -- I'll
10 get the digital out of the way first, if you don't mind.

11 VICE CHAIR SANDERSON: Okay.

12 MR. MARTIN: Laurie Lee was first to
13 raise your hand. So I'm going to hear that. Hi,
14 Laurie.

15 MS. LEE: Hi there. Can you hear me?

16 MR. MARTIN: Yup.

17 MS. LEE: Okay. My name is Laurie Lee.
18 And my husband and I live at 140 Governor Street. My
19 backyard abuts the property at 118-126 Benevolent
20 Street.

21 I appreciate that the developer and architect have
22 been respectful of the historic character of the
23 neighborhood. My main concern is that there will be
24 several mature trees taken down at the eastern end of

1 the property, which will remove the buffer between my
2 property and theirs and limit our privacy. Especially
3 given the proposed height of these homes. In addition,
4 I am wondering whether the developer will be replacing
5 the existing fence. And I'm concerned about what it's
6 going to be replaced with. We also want to share our
7 concerns about the Impact that the construction will
8 have on the neighborhood. When the home at 253 George
9 Street was built in 2018, the stormwater runoff
10 repeatedly flooded our property. The new owners and
11 their builder had to expand their planned stormwater
12 management pond and take other steps to mitigate that
13 issue. And I'm concerned that with the necessary
14 regrading of the lot and subsequent building, our
15 property and those of our neighbors will again be
16 inundated with water, mud, and other runoff.

17 And I know, Christine, you mentioned that, that it
18 dips toward the eastern end, and that's exactly what I'm
19 talking about. So I want to make sure that you're going
20 to be mindful of that. I don't see these issues
21 addressed in these site plans, and I just wanted to make
22 sure that the developer and architect have considered
23 them. I also would like to reiterate the point that
24 you've already made, that it would be nice for these

1 buildings to echo the design of the homes directly
2 around them, directly surrounding them, as opposed to
3 just those that are a block or two away.

4 So thank you very much, and I'm interested to hear
5 more.

6 VICE CHAIR SANDERSON: Jason, let me --
7 thank you for your comment. But let me ask you, Jason,
8 some of the comments, I think, have to do with issues
9 that the Historic District Commission does not control,
10 like drainage and runoffs.

11 MR. MARTIN: Most of those issues,
12 unfortunately, that were brought up, we don't.

13 VICE CHAIR SANDERSON: Where would some
14 of those issues be considered, if not here?

15 MR. MARTIN: They'll be considered
16 during the actual building review process for the
17 building permit. They will require those things to be
18 in place. I guess it's been up to the owner, you know,
19 the developer of the property to communicate those
20 things to the adjacent owners so they're just aware of
21 what's happening. But I would say to Laurie, and any
22 other abutters of the property, if there are issues
23 yeah, you should make them aware, the Building
24 Department, as soon as possible. But again, all those

1 types of things that were mentioned will be addressed
2 during the building permit process and the plan review.
3 But unfortunately --

4 MS. LEE: And the -- will that be the
5 same for the fence as well?

6 MR. MARTIN: The -- no. The fence would
7 come to us -- well, to staff typically for review. If
8 they were to replace the existing chain link fence if
9 I'm remembering correctly --

10 MS. LEE: Actually, it's currently a
11 wooden fence.

12 MS. LUND: Wooden pole.

13 MR. MARTIN: A wooden pole fence on the
14 sides. Yeah, so typically with a fence, if they're
15 replacing an existing fence that's there, they would
16 come to staff and not -- you know, wouldn't -- we would
17 only usually -- if it was a new fence that didn't exist
18 before, we ask that they get the abutters' consent on
19 those. But for an existing fence, we would just approve
20 that in-house. And again, if someone wanted to remove a
21 fence and not put it back, I don't know that necessarily
22 we would mandate that there be a fence there. There's
23 nothing that says there has to be a fence there. I'm
24 not -- and again, I have no idea what the intent of the

1 owners will be in the future, but I would assume they
2 would like a fence. But, but yeah, we wouldn't -- I
3 mean if someone removes a fence, it's not like we would
4 sternly object to that in most cases. Unless for some
5 reason it had some character-defining feature. Because
6 you're always obviously at will to put your -- a fence
7 up on your side if you would like as well.

8 VICE CHAIR SANDERSON: Okay. Thank you,
9 Jason. Other comments?

10 MR. MARTIN: Claudia Elliott, you were
11 next up with your hands.

12 MS. ELLIOTT: Hi. Yes, I'm Claudia. I
13 live in that Queen Anne on the corner of Benevolent and
14 Governor. That is split into two, so there's an
15 entrance on the Governor side, and there's an entrance
16 on the Benevolent side. And that's where my husband and
17 I live. So I just want to -- I think Laurie made most
18 of the comments that I had on my list actually. But I
19 would like to reiterate just the look of that house,
20 this big Queen Anne next to what seemed to be I don't,
21 you know, I -- the word subdivision has been used. It
22 just seems to not really go. And I just wonder if we
23 could -- I wish the drawings would have, or even a
24 photo, would have included not what was across the

1 street or caddy corner on Governor, or even looking at
2 Cooke. But to the house that's right next door, I mean
3 literally feet away from the east, the property that's
4 going to be built on the East Side of that vacant lot.

5 I'm also -- I would also like to share my concern
6 about the trees. They -- a lot of trees recently have
7 been cut back along that line between my house and the
8 vacant lot. And I would just be very, very sad if they
9 were all to come down. I'm also concerned about the
10 light, or the impact on lighting of my house by this
11 three-story building only a few feet away. So those are
12 some of the concerns I have, I think, at this time. So
13 mostly I'm reiterating what has already been said.
14 Thank you very much.

15 VICE CHAIR SANDERSON: Thank you.

16 MR. MARTIN: Last online is Mr.
17 Mittleman, Daniel. Daniel should be right here.

18 MRS. MITTLEMAN: Yeah. I'm here.

19 MR. MARTIN: Hi.

20 MRS. MITTLEMAN: Actually, you have his
21 wife. He had to leave for a meeting, so you have
22 Bonnie.

23 MR. MARTIN: Okay. Hi, Bonnie.

24 MRS. MITTLEMAN: Hi. As I sit at my

1 desk, I am looking at the lot. We recently purchased
2 121 Benevolent directly across the street and are
3 currently purchasing 123. So we own two of the direct
4 properties across the street with view of this lot. And
5 I'm shaking right now. So I apologize a little bit.
6 But I think I'll express very much the similar concerns
7 of the other neighbors.

8 We chose this -- we've lived on the East Side for
9 10 years, and we've downsized. And so we chose this
10 because of its quiet location, the trees, you know, just
11 everything about it and the Victorian style. So I would
12 say while the developer spent a lot of time describing
13 how they're matching the style of the neighborhood, I
14 don't think that they are. For me, the East Side, the
15 neighborhood can be square by square, street by street,
16 all very beautiful, all gorgeous, all within its right.
17 But directly across the street, which she did not show,
18 are three Victorian homes. And that is more
19 representative of the neighborhood that we selected and
20 have now invested to spend the rest of our life, I hope.
21 And I also sort of agree with some of the statements
22 that it's looking very sterile and subdivided and
23 commercial. It just looks very boxy. I just feel like
24 a little could be given to the direct contact, the

1 direct neighborhood that these homes are being
2 constructed rather than the one that is down the street.
3 Because this is a -- it's a little bit different here.
4 So I mean, I'm not an architect. I don't know how to
5 express it in those particular terms, but as a person
6 who is invested in a home directly across the street,
7 I'm very concerned about there's no room for them to
8 plant trees. You know, it looks like it's going to be a
9 very sterile environment. And it doesn't feel like the
10 neighborhood. And I'm sorry if that's very harsh.

11 VICE CHAIR SANDERSON: Thank you for
12 your comment.

13 MR. MARTIN: Okay. Claudia, did you
14 raise your hand again or did I just --

15 MRS. MITTLEMAN: No. Well, I may have
16 accidentally clicked it. So let me unclick it. All
17 right.

18 MR. MARTIN: No, that was your body.

19 MRS. MITTLEMAN: Nope. Oh, we're
20 still --

21 MR. MARTIN: Oops, sorry. Claudia, did
22 you want to speak again?

23 MRS. MITTLEMAN: I did have one more
24 comment. I'm not sure if it's totally relevant to this

1 conversation. But there is a diseased ash tree on the
2 east corner, like right up against the fence, like
3 really, really against Laurie's property and mine. It's
4 very tall. I've had TF Morra Green out at my property,
5 and he just stayed looking at that tree that is on the
6 vacant lot. And it's at an advanced stage of emerald
7 borer ash disease. And he said it's an imminent threat
8 to our properties because those limbs can just fall,
9 even if you don't -- you know, they can just fall. So I
10 just wanted to point that out because that seems to be
11 something that should be taken care of before anything
12 else. Thank you.

13 MR. MARTIN: Okay. Thank you. All
14 right, Mr. Chair, that's all for online. There are a
15 couple of people in the audience.

16 VICE CHAIR SANDERSON: Yup.

17 MR. MARTIN: If you want to come up and
18 just -- the mic is here, or you can take the mic back to
19 you. If you don't want to come up, it's okay.

20 MS. RAGONA: Hi. I'm Cynthia Ragona.
21 I'm also a neighbor. I live at 253 George, which is in
22 the backyard on the other side of the rear fence. I'm
23 the one who flooded Laurie's house. So the water issues
24 were something I wanted to point out to everybody. It

1 is a problem. I don't think regardless of whatever the
2 current zoning laws are that the density that's proposed
3 here is at all in keeping with the current neighborhood.
4 They have, they've jammed as much as they can possibly
5 jam onto this lot. There -- as another speaker
6 mentioned, there's not a room for a tree. Those garages
7 are going to be two stories, three feet away from the
8 rear fence. And I'm worried about water. I don't think
9 it's going to look appropriate to the neighborhood.
10 Others have spoken to style. I just think it's too much
11 house. And in the architectural drawing, it doesn't
12 look that way. But if you're to stand on the street and
13 imagine three houses of that size with a detached
14 garage, I really can't even picture it. I live in a
15 mirror lot. These two lots were once co-owned. And
16 they were all formerly part of the Aldrich property.
17 And I have a two-story single family home with a
18 detached garage in the same exact amount of space as
19 what they're proposing here.

20 In addition, these -- what they proposed, they,
21 they, they're cookie-cutter-looking houses that look
22 like a -- like people have said, like a suburban
23 subdivision, which doesn't at all fit with the
24 beautiful, you know -- what I, what I love about the

1 East Side is we do have things from different periods
2 and different character and everything is not like
3 everything next to it. And these are kind of like
4 little townhouses right next to each other. And it's,
5 it's going to look, it's going to look weird.

6 Finally, I'm the one with the tree. On the other
7 side of the fence next to their Subdivision A, we have a
8 quite large maple. When we subdivided the original lot
9 for just ours, we actually negotiated the property line
10 to get that tree. And when we did our construction, we
11 were exceptionally cognizant to have no one trample
12 those, pound down those roots to save that tree. And I
13 don't see any way that garage, and maybe -- I don't know
14 much about construction. But maybe even that driveway
15 can exist without harming the roots of that tree. I
16 don't know if making that an attached garage on that
17 side or something is a solution, but the tree is nearly
18 against like a foot or two, a foot maybe off the fence
19 on that side. So I don't see how construction there
20 is -- it's a, it's a big old tree.

21 And then as I said, the water issues were just
22 something I wanted to get on the record for someone to
23 listen that that is in the back corner of what is
24 Subdivision C, which is where Laurie's house is. And we

1 have a rain garden back there, which we have solved.
2 And we're all good now. But there's water issues a lot
3 more than I would have thought on a hill. And I worry
4 with all of the limited amount of what I see as grass
5 and trees there. Thank you.

6 VICE CHAIR SANDERSON: Thank you.

7 MR. FONTECCHIO: Actually, I do have a
8 question for you.

9 MS. RAGONA: Yes.

10 MR. FONTECCHIO: With that large tree,
11 have you spoken to the City Forester?

12 MS. RAGONA: About this project?

13 MR. FONTECCHIO: Well, about that tree
14 in general. Because it probably would be worth it.

15 MS. RAGONA: I have not. I only learned
16 about this project on Saturday afternoon. And I had no
17 reason to before that.

18 MR. FONTECCHIO: He's a good resource.

19 MS. RAGONA: Thank you.

20 VICE CHAIR SANDERSON: I was just -- I
21 was going to ask Jason after everybody had spoken, but
22 since you brought up the City Forester, let's put Jason
23 on the spot.

24 How does the City address large trees?

1 MR. MARTIN: There's a significant tree
2 here, and it's going to be impacted by construction. So
3 there's gonna have to be a tree mitigation plan filed,
4 which I'm sure the architects are aware of. And so
5 they'll go to the City Forester, and he will come up
6 with a plan that will -- they will have to follow -- the
7 construction will have to follow to mitigate, you know,
8 the impact to the tree.

9 MS. RAGONA: Thank you.

10 MR. FONTECCHIO: And what about other
11 trees on the property or next to it?

12 MR. MARTIN: So these, these parcels
13 each -- Lev, what's the canopy requirement here offhand?
14 Do you know offhand? If not, I don't want to put you on
15 the spot either.

16 MR. SIMON: I don't know it off the top
17 of my head. I think it's 20 percent or something.

18 MR. MARTIN: Yeah. So each, each parcel
19 in the R zone has a canopy requirement that's required
20 by planting specific trees. So they have to meet that
21 requirement. So that will happen as part of a plan
22 review at the Building Department as well.
23 Unfortunately, most of the concerns everyone's are
24 bringing up related to site and control, erosion and

1 trees, are handled not by us, but by the Building
2 Department in that process.

3 MR. MASIELLO: My name is Mark Masiello.
4 I'm the owner of the adjacent lot to the left, which
5 would be to the west, which is a garden. I own and live
6 in the house directly across the street, 26 Cooke
7 Street, which is the corner of Cooke and Benevolent.
8 This is on Benevolent. And I'm the former owner of this
9 lot. In fact, I bought this lot because I was concerned
10 about overdevelopment in the neighborhood, and I wanted
11 to preserve the historic nature of the neighborhood.
12 When this neighborhood became part of the historic zone,
13 I decided that I would be able to sell this lot because
14 I thought I could rely on this Commission to protect the
15 overdevelopment of this neighborhood. The history of
16 this lot is that I sold it to a family who wanted to
17 live there with their in-laws. And they had young
18 children, and they wanted to build a home for themselves
19 and a small home on the property for their in-laws. And
20 they wanted their young children to be able to play.

21 This lot is a very special -- this block is a very
22 special block. I don't know if you know the history of
23 this. But this is -- it was part of the Aldrich House
24 Estate. This lot and this block were bought up by the

1 Aldrich family because they wanted to create a botanical
2 garden on this. The lot that's adjacent to the west
3 that I own, I also purchased so that it would not be
4 overdeveloped. It has a greenhouse, which the Aldrich's
5 built in order to be able to service the botanical
6 garden, which was never built. So I think it's very
7 important to realize that this neighborhood, this
8 historic area has a lot of gardens and green space in
9 the history of that.

10 It seems to me that this proposed development
11 by -- I'm sorry. I sold this to this family. The
12 family had a death in the family. The mother passed
13 away. And they chose to sell this property very
14 recently to a New York-based development firm. It seems
15 to me that this plan is very careful to hit every single
16 mathematical minimum and maximum of the zoning rules.
17 However, this Commission's mission, as I understand it,
18 is to -- and I have this right here. But it's to ensure
19 that the size, scale and form are appropriate and will
20 not have an adverse effect on either the property or the
21 district, the neighborhood. And I think this is, you
22 know, totally inappropriate for the neighborhood. This
23 is high-density housing. This is a neighborhood with
24 diverse architecture. I live in an Italianate house.

1 We have Victorian homes. We have Federal-style homes.

2 This, if you look, it's, you know -- this is math.
3 This is to maximize the square footage on every single
4 piece of property to the inch. You know, It's 50 feet
5 is -- the minimum footage is 50 feet. I would argue
6 that there should not be more than two homes on this
7 property which was what was contemplated when I sold
8 this lot to the prior family. Because that would be
9 more consistent with the neighborhood, which is filled
10 with green space. This way we'll lose a tremendous
11 amount of green and garden space if this were to be
12 developed with cookie-cutter housing. And this is, as
13 you all said, this is a subdivision within a historic
14 neighborhood.

15 I also would ask you -- I think there are a couple
16 of things in this. I know it's just a concept, but I
17 think are misrepresented. If you could bring the
18 elevation up, please, from the street. While we're
19 doing that, I also want to say that I've spoken with the
20 director of the -- could you go one more? Right there.
21 That's perfect. I also spoke with the director of the
22 Rhode Island Historical Society, who also believes that
23 this neighborhood, what is fitting for this neighborhood
24 is that it should be two homes, not, not shoehorning

1 three in. What was said in the earlier testimony by
2 Christine, the architect, was that the slope of this
3 hill would be eight feet at the eastern side. Well,
4 that's a six-foot doorway. And that doesn't look
5 anywhere near that retaining wall at the sidewalk. It
6 would be up to the windows basically, which would make
7 the height of the house, which is set at the absolute
8 maximum of 40 feet, would make it 40 feet above the
9 street level.

10 MRS. MASIELLO: Forty-eight feet.

11 MR. MASIELLO: Forty-eight feet. I'm
12 sorry. Yes. Forty plus the eight. There's a slope.
13 They're a serious slope. And it's not one tree. On the
14 eastern side of the property, on my -- the property that
15 I own that's adjacent, there's a row of trees. What are
16 the type? I forget.

17 MRS. MASIELLO: I'm not sure the type,
18 but Mark and I have worked for several years to maintain
19 the green nature of this corner. I restored the
20 greenhouse and the lot on the -- is that the western
21 side of this drawing. And we mowed and maintained the
22 lot when it was empty and had our arborist maintain the
23 trees. I wasn't aware that there was an ill tree on the
24 corner. But there are also beautiful trees all along

1 the street. And there are more trees that are quite
2 large between the project and the first neighbor on the
3 right side. I think it's a misrepresentation to say
4 that there's only one important tree. I've walked that
5 lot daily for the last six years.

6 I had also mentioned that the light space, that
7 it's glorious that is shed on all of that part of
8 Benevolent Street will definitely be blocked by these
9 buildings. I would also mention that while it's true
10 that the yellow house is directly across the street from
11 this building on the furthest right, it's our driveway
12 that actually looks at the majority of this lot. Our
13 home is across the street from this lot, and we look at
14 it every single day. And it is in no way in keeping
15 with the architecture of our home or the Rhode Island
16 Historical Society home or the home that is directly
17 kitty-corner across from the greenhouse. And I think it
18 would be a tragedy, frankly. Although, I think KITE
19 does an excellent job. And I think they've proposed
20 beautiful structures. I think it is very inappropriate
21 for this parcel of land and for the neighborhood in
22 general. And they've noted, you know, that it would be
23 an improvement to some of the buildings that exist on
24 Governor Street, but it would be a complete detraction

1 from what's actually happening closer to the project at
2 the corner of Cooke and Benevolent Street.

3 MR. MASIELLO: I just think that, you
4 know, great care is necessary to ensure that this does
5 not look like a real estate development in a historic
6 neighborhood. And, you know, I think that, that, you
7 know, zoning standards are one thing, but this is about
8 aesthetics and what's appropriate, what's the
9 appropriate scale of what's being built in this historic
10 neighborhood that has a history of gardens and green
11 space.

12 VICE CHAIR SANDERSON: Thank you all for
13 your comments.

14 MR. MARTIN: Thank you.

15 MR. FONTECCHIO: Jason, could you
16 clarify something just for me so that I understand
17 better?

18 MR. MARTIN: Um-hum.

19 MR. FONTECCHIO: These lots, presuming
20 that what's been presented is correct, and that they do
21 meet the zoning ordinance, and there was no, as I'm
22 understanding it, pre-existing deed restrictions on this
23 lot when it was sold that limited it to two residences
24 or something.

1 MR. MARTIN: Um-hum.

2 MR. FONTECCHIO: My understanding is the
3 specifics of it being three houses, we don't actually
4 have any --

5 MR. MARTIN: Not true.

6 MR. FONTECCHIO: Okay. We do have?
7 Okay.

8 MR. MARTIN: Yeah. No, no, you -- and
9 so this goes back to say the Angell Street conversation,
10 of 64 Angell Street, where it's the Planning
11 Department's, you know, I guess, opinion that -- and
12 that has been corroborated by the Law Department, that
13 you have the ability to say, and you may be the only
14 agency in the city that has this ability, to say that
15 something that is buildable may not be buildable because
16 it's in a historic district because of massing and
17 things like those issues.

18 MR. FONTECCHIO: Okay. All right. We
19 have to -- we cannot -- it's my understanding, the
20 correct meaning of it. We can't look at a pretty piece
21 of empty land and say, we'd like to see it stay empty.
22 We won't let anything be built on it. But we can look
23 at proposed development of that piece of land and say
24 that for various reasons the proposed development would

1 not be in character with the historic district.

2 And on Angell Street, where we looked at it
3 recently, they wanted to put four new houses surrounding
4 a colonial mansion. And we offered the opinion,
5 advisory, not binding, to the City Planning Commission,
6 that given the character of the surrounding historic
7 district of that parcel, and grade conditions and other
8 specific issues, that it seemed unlikely that it would
9 be possible to come up with a architectural construction
10 plan for those four houses that this body would ever
11 approve because it would interfere with the historic
12 character of the district in various ways. Didn't mean
13 that something couldn't happen there. It meant that
14 that proposal for a five-lot subdivision on what's
15 currently a single-family house would have those
16 problems.

17 So it seems to me that if we believed -- if we
18 concluded that it would not be possible, it would be
19 extremely difficult to build three houses of this scale
20 and mass on this property without adversely affecting
21 the historic district. We could make that conclusion.
22 But we could not say, let's just leave this empty
23 because it's so nice.

24 VICE CHAIR SANDERSON: Okay.

1 MRS. MASIELLO: Well, in light of what
2 you're saying though, I would invite you to review the
3 street view again, but pay attention to what's happening
4 actually in front of this space and at the corner. And
5 I would also note that the photographs that were shown
6 earlier are very old and in the colder months. If you
7 were to see this space now, you would see that it's lush
8 and green like most of Providence has been this year.

9 VICE CHAIR SANDERSON: And I appreciate
10 your comment.

11 MRS. MASIELLO: And it's very tree --

12 VICE CHAIR SANDERSON: And I guess as
13 Chair, I need to -- now that everybody's had a chance to
14 make a comment, I need to close the public comments
15 period, let the Commissioners have further deliberation.

16 I would note that several of the comments, which I
17 think were very good, expressed concern about the
18 architectural development. And that is not what's on
19 the agenda for tonight. The agenda for tonight is
20 could -- how might this piece of land be redeveloped.
21 And so we're looking at height, scale, mass. We're not
22 looking at how many windows there are across the front,
23 or where the front door might be, or what the detailing
24 around it might be. That would come later. And it

1 would come before us in a public hearing, and you would
2 all have an opportunity to comment on those issues as
3 well. But tonight, we're talking about the development
4 envelope and basically, whether we would be giving
5 approval for the architects and the developer to come
6 back with more developed plans to carry it forward, or
7 whether we are not ready to give that approval. So let
8 me turn back to Commissioners.

9 MR. MARTIN: Well, if you don't mind,
10 can I get the applicants back to the table?

11 VICE CHAIR SANDERSON: Oh okay.

12 MR. FONTECCHIO: Jason, it's impossible
13 to put the aerial view up on the screen?

14 MR. MARTIN: Yeah. You want to bring up
15 a Google aerial?

16 MR. FONTECCHIO: Yeah, that would be
17 fine. Oh, okay. Can you share that with Jason? We're
18 looking at an aerial, it's actually an MLS, but it shows
19 the structures and it shows the property lines.

20 MS. WEST: Can I share (inaudible) with
21 you?

22 MR. MARTIN: You'd have to get on the
23 Zoom meeting, and then I'd have to do it that way.

24 MS. WEST: Are these supposed to be

1 showing?

2 MR. MARTIN: Yeah, let's just go with
3 what we have available to us.

4 MS. WEST: That's fine.

5 MR. MARTIN: So also, I just want to
6 make sure. Lev, am I currently sharing this though? I
7 don't think I am.

8 MR. SIMON: No, not yet.

9 MR. MARTIN: All right. So I'm going to
10 stop sharing. Okay. Here we go. All right. Just
11 check on your screen that --

12 MR. SIMON: You're showing that whole
13 window, right? So if you were to go into the aerial
14 view --

15 MR. MARTIN: Yup.

16 MR. SIMON: -- where the city would show
17 up.

18 MR. MARTIN: Yeah. I'm just going to
19 use Google right now.

20 MS. DOTSON: Okay. Can I, can I talk,
21 or you want me to wait?

22 MR. MARTIN: No, you'll be fine.

23 MS. DOTSON: Okay. I think what we're
24 seeing is that the lot size is around 5,000 square feet,

1 right?

2 MS. WEST: Um-hum, yup.

3 MS. DOTSON: Perfect. That's actually
4 not out of keeping with what's happening in the
5 neighborhood. I think the thing that's not meshing is
6 that, you know, or referencing houses that are grander
7 and taller on a different block. The lot size is right,
8 but the massing on the lot is a little bit different in
9 this block.

10 MS. WEST: Yeah. It's -- and I know
11 that that's been repeated down the block, and it's
12 literally across the street.

13 MS. DOTSON: Yeah, yeah.

14 MS. WEST: With the big taller brick
15 thing.

16 MS. DOTSON: Yeah.

17 MS. WEST: I just want to point out that
18 many of the houses are not immediately adjacent.

19 MS. DOTSON: Right.

20 MS. WEST: But again.

21 MS. DOTSON: No, but I think we're in
22 agreement is that what you're opposing with the division
23 of the three is not necessarily out of keeping with the
24 neighborhood, but perhaps the height and massing is

1 where I think people in the neighborhood might be having
2 an issue.

3 MR. FONTECCHIO: Yeah, because we're
4 actually looking at -- and, again, this is the MLS,
5 which we're trying to figure out how to get it up on
6 there. But if you look directly across the street, if
7 you look at three lots across the street, actually are
8 the width of this property. So I understand the
9 sentiment and I am concerned about designing structures
10 that fit appropriately. And I'm thankful that it's you
11 guys because generally your work is really good.

12 But in terms of the lot widths, they really are in
13 keeping, or even a little bit more than what's directly
14 across the street.

15 MS. WEST: That goes all the way up
16 there.

17 MR. FONTECCHIO: Yeah. Okay. And even
18 on the next slide. And there's a kind of a curious
19 situation because one of the houses is a party house,
20 party-line house, and then there's an additional
21 property line. But there's actually four lots, and it's
22 almost the exact same width as the combined width of
23 those two lots that are being subdivided to three.

24 VICE CHAIR SANDERSON: So, what's your

1 conclusion for that?

2 MR. FONTECCHIO: I know, I just -- I
3 find it hard to state that this could only be two lots,
4 two structures on this width of property based on what's
5 directly across the street.

6 MS. LUND: Yeah, literally directly
7 across the street.

8 MR. FONTECCHIO: Again, not saying that
9 exactly the massing that's been proposed is where we
10 should be, but going back even a little bit further just
11 what the -- and again, I feel bad because if there had
12 been a deed restriction when those lots were sold, we
13 wouldn't be here talking about it.

14 VICE CHAIR SANDERSON: Right.

15 MR. FONTECCHIO: But if both zoning
16 state that that's an appropriate lot size, and the
17 pattern across the street, which is like the nearest
18 relationship, it seems like the three lots is
19 appropriate. It's just how you --

20 MS. LUND: Yeah. How are the houses
21 going to sit on them?

22 MS. DOTSON: Um-hum.

23 MR. FONTECCHIO: And I mean, as that
24 proposed plan, again, not saying that that's what it

1 should ultimately be, I think it was eleven feet from
2 sidewalk to structure. Eleven feet is a decent
3 distance. You can get a tree to grow. It could be, and
4 I think that that gets into the details when you're
5 looking at the landscape plan, is that are there large
6 species trees prescribed as part of this? They will be
7 small when they go in, yes, but they will grow.

8 And there is the required canopy cover. I just, I
9 don't want to get into a situation where we're saying
10 you can't do something that's directly across the
11 street.

12 MR. KAPLAN: The only other thing I can
13 think of is whether you find that there's enough
14 information for you to make a decision to like where you
15 choose to do that. And, and I, and I, and I know --
16 like a street rendering here doesn't really do it
17 justice.

18 MR. FONTECCHIO: No.

19 MR. KAPLAN: And that's why there isn't
20 one, quite frankly. We talked -- I talked about this
21 with the architects. It just didn't really -- because
22 of the way this proposal is and what is adjoining it,
23 it's pretty laid out what it was.

24 MR. FONTECCHIO: Right.

1 MR. KAPLAN: Which why we -- I just want
2 to make sure you're all comfortable with that too.

3 MR. FONTECCHIO: And again, if that lot
4 when it was subdivided from the remainder of the garden
5 with the greenhouse, if that had been five feet smaller,
6 we wouldn't be talking about it being three lots because
7 then it wouldn't have met zoning but --

8 VICE CHAIR SANDERSON: Definitely not
9 met zoning.

10 MS. DOTSON: Was there ever a garden
11 there?

12 VICE CHAIR SANDERSON: I don't know what
13 the history of this site is.

14 MS. DOTSON: Okay.

15 VICE CHAIR SANDERSON: Actually, as far
16 as my historical point of view.

17 MS. DOTSON: Okay.

18 VICE CHAIR SANDERSON: I've accepted it
19 as a part of the Aldrich mansion estate.

20 MS. LUND: Would there be an advantage
21 to us doing what we did on Angell Street and actually
22 going out there?

23 VICE CHAIR SANDERSON: I don't think so.

24 MS. LUND: And seeing --

1 VICE CHAIR SANDERSON: I mean I don't
2 know any more than --

3 MS. LUND: Right.

4 MR. FONTECCHIO: I don't know how people
5 feel, and this is putting a little bit more burden on
6 Christine and her team. It would be easier for us to
7 evaluate the massing if we knew a little bit more.
8 Because right now -- and I think this is also what's
9 making people nervous is that they really look like
10 little plastic but not really houses.

11 MS. LUND: Right.

12 MR. FONTECCHIO: And if it really
13 studied a little bit more what the massing was without
14 getting into final details and all that, I think that
15 would make me feel more comfortable. But at the same
16 time, I don't feel it appropriate to say this can only
17 be two houses.

18 MS. LUND: Right.

19 VICE CHAIR SANDERSON: If we give
20 conceptual approval for massing, height and scale, and
21 exactly the same footprint comes back with architectural
22 development next time around, and we say, gee, that
23 house is just too big on that lot, or is this the time
24 that we have to say that the houses look like they're

1 too big on this lot?

2 MR. MARTIN: You can always change your
3 mind because of the way the process works. That's why
4 there's two approvals to it. It just will open you up
5 to arguments as to why you did that.

6 VICE CHAIR SANDERSON: Yeah.

7 MR. MARTIN: And make that, you know --

8 VICE CHAIR SANDERSON: Okay.

9 MR. FONTECCHIO: And again, it's also
10 clear that the expression of the volume is really driven
11 by the detailing of it.

12 MS. DOTSON: And we have a pretty clear
13 record here tonight of some potential issues with the
14 street.

15 MR. FONTECCHIO: And I think the other
16 thing is that it's an opportunity for the applicant to
17 really develop a more detailed height study. Because I
18 think the statement that was made by the individual
19 about the current grade dropped significantly. Well,
20 you're measuring from that grade, even if you choose to
21 put the house on an eight-foot plinth at the end. And
22 does this work? Would you subtract that dimension out?
23 I think a little bit more detail about the proposed
24 heights and the structures and how that relates would be

1 good information for us.

2 MR. KAPLAN: Yeah, I think I agree with
3 Glen that clearly there is buildable land there. And
4 the owner has a right to build well-designed buildings
5 there.

6 The information presented tonight does not
7 persuade me, does not show me how that will be
8 accomplished in a manner that would be compatible with
9 the historic district. And so I'm uncomfortable having
10 an official -- voting a position that three houses is
11 okay. And I don't yet see how that will work out. But
12 I don't doubt that development can and should be
13 approved with an appropriate design on this land. But I
14 guess I would need some more information, some more help
15 understanding exactly what you were saying, that how
16 will these buildings fit onto this parcel in a manner
17 that is not incongruous with the historic district. And
18 I would emphasize the immediate radius of architectural
19 neighbors rather than picking -- I won't say cherry
20 picking. But picking buildings from a several-block
21 area rather than be more aware of the immediate context.

22 MR. FONTECCHIO: Yeah. And actually, to
23 your point, I think it's also important to look at when
24 you look at those houses, whatever the context is, it's

1 not just the house, but it's how does that house sit on
2 its property? Because a lot of times these very simple
3 boxy houses have a lot of breathing room around them.
4 Whereas, a lot of times the Victorians, you know, are a
5 little bit more nested into things.

6 So I think that's a really good point, that it's
7 not just the style of the house being chosen, but yeah,
8 it's here. Because you could pick something anywhere on
9 the East Side and find something that's what you want to
10 find.

11 VICE CHAIR SANDERSON: Right.

12 MS. LUND: So shrinking these houses
13 would not be enough?

14 MR. FONTECCHIO: Well, or maybe it's the
15 expression of the house.

16 MS. LUND: Yeah.

17 MR. FONTECCHIO: Maybe a more vertical
18 gable street-facing would feel more appropriate when
19 their slices of bread.

20 MS. LUND: Right. Okay.

21 MS. DOTSON: So, Jason, are you saying
22 if we conditionally approve the three --

23 MR. MARTIN: I -- well, where you're at
24 now, you're continuing.

1 MS. LUND: Okay. Yeah.

2 MR. FONTECCHIO: I'd be most comfortable
3 with that.

4 VICE CHAIR SANDERSON: I don't see
5 enough without -- right.

6 MS. LUND: I'm not comfortable without
7 really nailing the massing.

8 MR. MARTIN: I just want to make clear
9 to the applicant what we're looking for and the reason
10 for the continuance. Which sounds like you'd like more
11 massing comparisons closing to their immediate
12 neighbors, and then based on that, maybe the potential
13 of exploring different forms. But I think first you
14 want to see what these look like compared before we jump
15 to redesigning things necessarily.

16 MS. DOTSON: Right. But what we were
17 stating earlier, it would be hard to say --

18 MR. MARTIN: Correct.

19 MS. DOTSON: We couldn't walk that back
20 later.

21 MR. MARTIN: You could walk it back. I
22 just wouldn't advise you to do that.

23 MS. DOTSON: No (inaudible).

24 MS. LUND: I think we need to know the

1 massing before we (inaudible) --

2 MR. MARTIN: I think instead you should
3 ask for massing and, you know, and ideally a pre -- some
4 sort of 3D model so we can kind of see those massing,
5 and go from that at that point.

6 MS. DOTSON: We've seen -- yeah, we've
7 seen drawings of the whole block from past applicants.

8 MR. MARTIN: Yeah. I think the three --
9 personally, I think the drawings of the whole block,
10 just like elevation drawings are very deceptive because
11 you never see anything in elevation. And I hate to say
12 that because that's how we do most of our rulings. But
13 you never really see anything in elevation. So
14 something that shows more of a massing study gives you a
15 much better impression of, I think, what you're
16 searching for, because we have elevations in essence at
17 this point. And what -- I think some of the comments we
18 heard are also related to, too, of how these things
19 relate to what's physically kind of in the block around
20 is what I'm hearing from everybody.

21 MR. FONTECCHIO: I guess, you know, not
22 discounting the impact to the significant tree, and
23 that's something that's beyond my understanding. That's
24 relevant for the Forester. The garages separate from

1 their impact to the tree bother me the least. They're
2 way in the backyard. I don't think that they're really
3 going to read front and center from the streetscape.
4 It's really how the faces of these structures relate to
5 the streetscape.

6 MR. MARTIN: So with that, you can --

7 VICE CHAIR SANDERSON: So are we ready
8 to --

9 MR. MARTIN: I don't know.

10 VICE CHAIR SANDERSON: Or do we have to
11 request the applicant --

12 MR. MARTIN: You're asking for more
13 information. So technically no, you don't really have
14 to ask. I mean we can ask, and I don't know if the
15 applicants want to weigh in any at all on anything at
16 this point.

17 MS. WEST: Yeah. I just want to clarify
18 because I did hear a lot of discussion asking for more
19 detail and more development. My understanding that this
20 is conceptual and massing, you know, we can certainly
21 come back with additional detail if that is the request
22 of the Commission. We're not going to voluntarily offer
23 to continue or defer.

24 VICE CHAIR SANDERSON: Right.

1 MS. WEST: So I want to understand
2 exactly what you're looking for with that because, you
3 know, architectural features are clearly important to
4 any kind of style. You know, going down the path of
5 this Federal style is very, very different from
6 Victorian. And if that's your mandate, I would rather
7 have that be clear.

8 VICE CHAIR SANDERSON: I don't think
9 that's the --

10 MR. FONTECCHIO: I don't think that's
11 the mandate. But again, for example, and I'm preaching
12 to the choir here, Christine, because you know this
13 stuff easily as well as I do. The perception of a
14 structure that's like that, versus a structure of the
15 exact same width, that is -- that just feels very
16 different in terms of the density on the street. And I
17 think that's where at least my concern is right now.
18 Not saying that those structures are found in the
19 neighborhood or maybe even appropriate, it's just that
20 maybe this type of structure needs more breathing room
21 than something that presents this way.

22 MR. MARTIN: So just for clarity, again,
23 you're looking for additional massing information?

24 MS. LUND: Yes.

1 MR. MARTIN: Okay.

2 VICE CHAIR SANDERSON: And, Christine,
3 has it ever been in the discussion, do you recall
4 (inaudible) what might come on this lot in terms of, you
5 know, size and scale and number of buildings?

6 MS. WEST: Yeah. Well, I mean, I will
7 say, you know, that three seems to make the most sense.
8 It fits well within the zoning, it fits well within the
9 pattern of this neighborhood and many others in
10 Providence. So it seemed self-evident that this was a
11 good direction.

12 I think when it comes to question of style, when
13 you're doing new construction and imitating historic
14 forms, I think that's a very, very careful line to
15 cross. Because, you know, you can't just mix and match
16 like potpourri. It's gonna look terrible and strange.
17 So if we do a shift in our design precedent, we want to
18 be rigorous in understanding what the elements of that,
19 that style are. You know, I'm happy to revisit that,
20 that design.

21 I'm losing a little bit of track of your original
22 question. But are you asking, was it, did we question
23 two or three?

24 VICE CHAIR SANDERSON: Yeah.

1 MS. WEST: Yeah. I mean, obviously
2 where the property that was purchased was two lots, but
3 making it three it seemed to fit. So we're exploring
4 three. In my opinion, this is perfectly compatible with
5 the surrounding density and the neighborhood pattern.

6 MS. DOTSON: Yeah. I don't think the
7 question from us is density but more scale.

8 MS. WEST: Okay. And so I'll share that
9 some of the studies that we did have revolved very
10 carefully around the roof form, because as it's been
11 pointed out, a front gable approach with two-and-a-half
12 stories looks much, much taller than one with a dormer
13 where it's basically concealed behind that roof form and
14 has the dormer. So we've intentionally -- and I know
15 we've been focusing on the plan here, but if you want to
16 put up the sketch that we had. We've intentionally done
17 everything we could to sort of depress and push down
18 those roof forms on the sides to do that. And my fear
19 is that the Victorian styles have this exaggerated sense
20 of verticality, which didn't seem appropriate either.
21 You know, if we look at that tower on the corner, if we
22 look at some of those vertical elements, I think we will
23 actually probably see houses that appear much taller.
24 So I just want to put that fair warning out on the

1 record.

2 The other thing that is we're caught in a very
3 difficult position here because we've intentionally held
4 back detail and development of that detail because we
5 don't want to spend the hundreds of hours it takes to
6 really do this right before we have an indication of
7 whether this is even a project. If this is a
8 non-starter, we don't want to waste anybody else's time.
9 So, you know, it -- you know, the comments about cookie
10 cutter and the like are completely -- I don't think
11 they're a correct reading of what we're presenting. We
12 are intentionally stripping this down to just the basics
13 with placeholders for entries and detail and form. We
14 would not literally build this. This is a diagram of
15 massing. So I hope everybody understands that this
16 is --

17 MR. FONTECCHIO: I think we do. Yeah.

18 MS. LUND: Yeah.

19 MS. WEST: Okay.

20 VICE CHAIR SANDERSON: And I think
21 you're getting the -- I hope you're getting the sense of
22 -- what I think is the sense of the Board's view that
23 this is developable property. And we're reluctant on
24 the basis of this presentation to -- I'm reluctant.

1 Maybe them. I'm retired. To go to the concept approval
2 because there seemed to be many unanswered questions
3 about how, when you've progressed to the next phase,
4 it's actually going to work out.

5 But your client -- I hope you will share with your
6 client that there's not a question as to whether it's
7 the developable property, but there is a question at
8 least in my mind about whether it will turn out to be
9 developable with the mass scale and siting that you're
10 showing tonight.

11 MS. WEST: Good. We appreciate that.

12 MS. DOTSON: Yup. All set.

13 VICE CHAIR SANDERSON: I like meetings
14 that end earlier rather than later. But I sense that
15 everybody has said what they think and soon we'll start
16 repeating ourselves.

17 Are there more comments that members of the
18 Commission want to share at this point?

19 MS. LUND: My comment is motion to
20 continue.

21 VICE CHAIR SANDERSON: Right.

22 MR. MARTIN: But just -- so motion to
23 continue with the applicant to return with additional
24 massing information, specifically, ideally, a digital

1 model, a digital 3D model, to show the directly abutting
2 properties in relation to the proposed three houses.

3 VICE CHAIR SANDERSON: Perfect.

4 MR. FONTECCHIO: And I would add that
5 because there is really not a lot directly to the side
6 because there's space on one side, they have a, you
7 know, garden.

8 MR. MARTIN: Yeah.

9 MR. FONTECCHIO: Maybe just something
10 that represents what the opposing side of the street
11 rhythm is. So then we should kind of --

12 VICE CHAIR SANDERSON: Yeah. So, was
13 that a motion?

14 MR. FONTECCHIO: Yes. Amended. And
15 I'll second it.

16 VICE CHAIR SANDERSON: Okay. All in
17 favor?

18 MR. KAPLAN: Aye.

19 MS. LUND: Aye.

20 VICE CHAIR SANDERSON: Aye.

21 MR. FONTECCHIO: Aye.

22 MS. DOTSON: Aye.

23 VICE CHAIR SANDERSON: Any opposed?

24 (NO RESPONSE)

1 VICE CHAIR SANDERSON: Thank you. I
2 think we are complete, adjourned.

3 MS. WEST: Yeah. Thank you, all.

4 VICE CHAIR SANDERSON: Very good. Thank
5 you.

6 MS. LUND: Thank you.

7 (HEARING CONCLUDED AT 7:28 P.M.)

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C E R T I F I C A T E

I, Kaylee St. Pierre, hereby certify that the foregoing pages are a true and accurate record of my transcription from a tape-recorded proceeding.

In witness whereof, I hereby set my hand this 23rd day of October, 2024.

s: Kaylee A. St. Pierre

KAYLEE A. ST. PIERRE

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EXHIBIT D



Samuel Daganhardt
City Forester

BRETT P. SMILEY
Mayor

Cynthia Ragona
253 George Street
Providence RI 02906

RE: Significant Tree Protection

To whom it may concern,

A site visit was conducted at 253 George St, Providence RI 02906 to evaluate a 32" DBH Sycamore maple tree, located in the southwest corner of the property. This property abuts the proposed development of 118-126 Benevolent St. This Sycamore maple is considered a significant tree per ordinance and is evaluated to be in good condition.

Significant trees are vital to the City; they not only reduce the heat index for residents but they also improve biodiversity and quality of life, absorb storm water runoff, improve air quality, and prevent erosion.

This significant Sycamore maple will require rigid adherence to tree protection zones and critical root zones. These areas extend onto the property of 118-126 Benevolent St and will impact the ability to develop certain structures.

The tree protection zone (TPZ), where there is to be no stockpiling of construction material, no machinery parking and minimal grade changes would consist of a radius of 32' from the trunk of the tree. The critical root zone (CRZ) is considered to be 16' in radius from the trunk of the tree. This is an area where there should be no excavation or machinery operation in any form.

There are currently structures being proposed to be built within the TPZ and CRZ. Further, the amount of canopy coverage that is going to be lost through this development will be a detriment to the ecology and environmental health of the neighborhood.

PROVIDENCE PARKS DEPARTMENT
1000 Elmwood Avenue, Providence, RI 02905
Phone: 401-680-7270



Samuel Daganhardt
City Forester

BRETT P. SMILEY
Mayor

As the city forester of Providence, RI, I am concerned that the developments on this lot will cause severe stress and health decline of the Sycamore maple tree, if these protection measures are not followed.

Regards,

A handwritten signature in black ink that reads "Samuel Daganhardt".

Sam Daganhardt
Providence City Forester
ISA #NE-7590A
ISA TRAQ

PROVIDENCE PARKS DEPARTMENT
1000 Elmwood Avenue, Providence, RI 02905
Phone: 401-680-7270

EXHIBIT E

STATE OF RHODE ISLAND

PROVIDENCE HISTORIC DISTRICT COMMISSION

* * * * *

PROCEEDINGS AT HEARING IN RE:

CASE NO. 24.079

118-126 BENEVOLENT STREET,
VACANT LOT (POWER-COOKE) APPLICATION

* * * * *

SEPTEMBER 4, 2024

4:15 P.M.

PROVIDENCE HISTORIC DISTRICT COMMISSION
444 WESTMINSTER STREET
1ST FLOOR, CONFERENCE ROOM
PROVIDENCE, RI 02903

REBECCA J. FORTE COURT REPORTING
33 Rollingwood Drive
Johnston, Rhode Island 02919
(401) 474-8441

BOARD MEMBERS PRESENT:

Ryan Haggerty, Chairman
Edward Sanderson, Vice Chair
Rachael Dotson
Neal Kaplan
Glen Fontecchio

STAFF PRESENT:

Sharon Garner, Legal Counsel
Jason Martin
Lev Simon

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MONDAY, JULY 22, 2024

(Commencing at 4:15 P.M.)

MR. SANDERSON: Okay. Good afternoon, everybody. It is 4:15 on Wednesday, September 4th, 2024. This is the City of Providence's Historic District Commission. We'll begin with a roll call before we get into things. My name is Ryan Haggerty.

MR. KAPLAN: Neal Kaplan.

MS. DOTSON: Rachael Dotson.

MR. FONTECCHIO: Glen Fontecchio.

MR. SANDERSON: Ted Sanderson.

MR. MARTIN: Jason Martin, staff.

MS. GARNER: Sharon Garner, legal counsel.

CHAIRMAN HAGGERTY: Thanks everybody. There are no meeting minutes to approve. Sharon has a brief statement she would like to make. I'll give an intro, and then we will get going.

MS. GARNER: Okay. Quickly, Commissioners, could we just go around, and could you confirm for me on the record that you have reviewed all the prior material on this matter that has been submitted to date?

CHAIRMAN HAGGERTY: Sure. I'll start.

1 Confirmed.

2 MS. GARNER: Thank you.

3 MR. KAPLAN: Yes, I have.

4 MS. DOTSON: I have.

5 MR. FONTECCHIO: Yes.

6 MR. SANDERSON: Yes.

7 MS. GARNER: Thank you. Thanks, Ryan.

8 CHAIRMAN HAGGERTY: Okay. So thank you,
9 everybody, for joining us. I realize this is earlier
10 than we usually meet. It is a different day than we
11 usually meet. So thanks, members of the Commission and
12 members of the public, as well as the applicants for
13 taking time out of your personal lives and business days
14 to join us today. This is the second time we have heard
15 this application. There was a good discussion at the
16 last meeting. My apologies for not having been there,
17 but as Sharon just mentioned, I did review all of the
18 materials thoroughly before this meeting.

19 I would ask that we do have a hard stop for a
20 member on the Commission. And we barely have a quorum
21 by the exact number of people. So we will be limiting
22 folks' testimony to not more than five minutes. I will
23 ask that you all please respect that time limit and do
24 your best to be as efficient with your testimony as

1 possible and non-repetitive. If somebody gets up before
2 you and says functionally what you are going to say, I
3 would ask you please do not repeat that. You may simply
4 say that you concur with the prior testimony or you
5 would echo the prior testimony. So again, please,
6 please be considerate of that as you get up and speak.

7 With that, we will get right into things. Jay is
8 going to give us a brief intro, and then we will hear
9 from the applicant for Case Number 24.079, 118-126
10 Benevolent Street, a vacant lot in the Power-Cooke
11 District.

12 MR. MARTIN: Thank you, Mr. Chair. As
13 stated, this is a returning item. The applicant is
14 applying to the Commission for a construction of three
15 buildings on an existing vacant parcel in the
16 Power-Cooke Street District. And as this item was
17 continued from the August meeting, the applicant has
18 submitted some revised documentation. And with that,
19 I'm going to turn it over to the applicant and let them
20 walk you through that documentation.

21 CHAIRMAN HAGGERTY: Thanks, Jay. Yeah,
22 a little change from the last meeting. We'll have you
23 guys up there similar to one of the CPC meetings.
24 Thanks very much. The same will go for anybody who is

1 offering testimony in person as well. We will have you
2 come up to the front of the room. One last thing for
3 any new folks, both online and in the room, when you
4 come up to speak, we will ask you to state your name for
5 the record and swear to tell the truth. I realize it is
6 very formal, but it's also very important and part of
7 our process. So just don't be surprised when we ask you
8 to do that for the speaker.

9 MS. WEST: Hey.

10 CHAIRMAN HAGGERTY: So yeah. Enunciate
11 and speak directly into the mic at that table so that we
12 can get you on record, please as well.

13 MR. SANDERSON: Mr. Chair, a question.
14 We've just been handed a document. It looks like a
15 legal document. Can you tell us what we are supposed to
16 do with this or how this relates to the hearing?

17 CHAIRMAN HAGGERTY: (Inaudible) but I
18 would ask our legal counsel, if she may.

19 MS. GARNER: Well, let's have the
20 applicant present first, and then I can address that
21 question.

22 CHAIRMAN HAGGERTY: Okay. Thank you.
23 So would you state your name for the record and swear to
24 tell the truth, please.

1 MS. WEST: Sure. Christine West,
2 architect and principal at KITE Architects. I swear to
3 tell the truth.

4 MR. DOYLE: Andrew Doyle, architect at
5 KITE Architects. I swear to tell the truth.

6 CHAIRMAN HAGGERTY: All right. Thank
7 you very much.

8 MS. WEST: Okay. Thank you so much for
9 being here at this time. I know it's off cycle and out
10 of your usual time. The documents we just handed you,
11 we would like to submit officially for the record.
12 We've been aware of several issues from the community
13 about our proposal and we wanted to make sure that we
14 presented all documents. So you'll find a couple of
15 things in there that we're going to refer to. The first
16 document is a release that is signed by the Rhode Island
17 Historical Society. The second is the actual deed that
18 our client made for the purchase of this property. The
19 third is an opinion by our attorney on the title. And
20 then the last is a document from the Providence City
21 Tree List.

22 So without further ado, before we get into it,
23 Jason, if you could start the presentation.

24 MR. MARTIN: Just one moment. Mr.

1 Chair, I'm just going to introduce this as Exhibit 2,
2 actually because your previous exhibit is Exhibit 1 for
3 the revised documentation.

4 CHAIRMAN HAGGERTY: Gotcha. Noted.

5 MS. WEST: Okay. Thanks. So, Jason, if
6 we could start the visuals. Okay. And as that comes
7 up, if we could go right to the second page after the
8 title page. I'll dig in. So, in order to kind of
9 address those issues right away, then we will get into
10 the architectural design updates and the documentation
11 on context that you asked for last time.

12 First, we just wanted to bring you specifically to
13 two issues. First is the covenants that Rhode Island
14 Historical Society placed on the property almost 50
15 years ago. The covenants established by the RIHS in
16 1974 are not relevant to our application this afternoon
17 for HDC conceptual approval. The release of restriction
18 and termination of right of refusal signed by the
19 Chairman of the Board in October 2023 very clearly and
20 specifically states that, "Rhode Island Historical
21 Society does hereby release and forever terminate its
22 right of refusal and restriction as to subdivision, if
23 any," and specifically names the 1974 covenants. The
24 deed, which you have, is executed for purchase in June

1 of this year. Also conspicuously does not reference
2 these covenants. We understand these covenants expire
3 on December 24th, 2024. Regardless of whether any
4 additional restrictions on development on the parcels is
5 retained by RIHC, despite the release of restriction,
6 these covenants are a private matter at a private
7 agreement between parties.

8 It is not the City's responsibility to track,
9 regulate or enforce private covenants. We're entitled
10 to a full and fair consideration of our proposal by the
11 HDC, using its own rules, its standards, and for the
12 purposes established by laws. The process, goals,
13 standards that have been used by the Rhode Island
14 Historical Society are substantially different from
15 those of the HDC as described in their memo dated August
16 7th, 2024. The RIHS's private review process has no
17 public oversight, has goals that exceed the City's
18 interest, and references standards that are well beyond
19 the City's guidelines for historic districts. To our
20 knowledge, no evaluation of our specific proposal has
21 been formally undertaken by the RIHC. Neither has a
22 request for such a review been made of this. It may be
23 worth noting that these covenants were written well
24 before even the first historic district established

1 here, and the reviews that apparently have been
2 conducted over the years certainly predate the
3 establishment of the Cooke-Power District in 2023. The
4 public interest in the historic nature of this
5 neighborhood is well-protected by the HDC. We
6 respectfully request consideration by the HDC under its
7 own rules and based on the detailed evidence that we are
8 presenting tonight.

9 The second issue relates to trees, and we are in
10 the receipt of some memos from the City Forester. I
11 want to point out that we intend to fully comply with
12 the tree compliance, and we have taken measures already
13 to comply with concerns that have been noticed on
14 adjacent properties. So first, the significant tree to
15 the north on the property line. And at this point, I
16 know we're kind of still getting the presentation.

17 CHAIRMAN HAGGERTY: Yeah. You want to
18 hang on one second just while we get through some
19 technical issues here. Oh, there you go.

20 MR. MARTIN: Yeah, no, we got it. I
21 think we're good now. I'm sorry.

22 MS. WEST: Okay. If you could go to the
23 second page, please. Okay. I also just wanted to put
24 up on screen here. These are the regulations from the

1 HDC's own guidelines in terms of what we are looking at
2 with new construction. And these are the standards to
3 which we look. It specifically deals with new
4 construction. I'm sure you're very familiar with it.
5 You could probably recite it back, but we did want to
6 make sure we were on record as having the correct
7 standards. Yeah.

8 So back to the trees. When we go over the site
9 plan, what you will see is that there is a significant
10 tree that we, at a very late hour, and (inaudible) for
11 the continuation, but we were able to locate with some
12 specificity. It's a sycamore maple on the neighbor's
13 property. And we've established zone, the critical root
14 zone, on our plans that you will see. We have no
15 structures inside this critical root zone. We will
16 comply with the protections. The proposed grading does
17 follow natural grade, and a tree protection plan will be
18 part of our landscape plan and specs at the appropriate
19 time. I also want to point out that this sycamore maple
20 that we're being asked to preserve is noted as an
21 unauthorized tree. It's listed as both exotic and
22 invasive on the official City Tree List. So, while we
23 will comply with the laws that said this is significant,
24 it's -- we raise some questions on the lengths that we

1 have to go to. We also are aware that there has been an
2 analysis of the western trees. These are Atlas cedars.
3 Right, they're lovely. The memo that you see
4 establishes a critical root zone at 12 feet. As you
5 will see from our site plan, we do not have any
6 structures within this CRZ. We, in fact, are reusing
7 the existing curb cut from the building that was there
8 previously. Historically, there was a driveway along
9 the western boundary. So there'll be no structure.
10 We're more than 12 feet away from these trees. Our
11 proposed grading follows the natural grade, and we're
12 very fortunate in that account. And a tree protection
13 plan will be part of our final landscape plan and specs.

14 On our specific site, we have had a survey
15 completed. It was recently enough where we don't have
16 it for you, but we have, we have determined that there
17 are no significant trees as meets the legal distinction.
18 As neighbors have pointed out, there are some diseased
19 trees, there are some invasive trees, and we are
20 replanting in order to comply with canopy locations. In
21 fact, we have positioned the building so that we
22 maintain a green, very dense green buffer on the eastern
23 zone where there exists a series of smaller trees. We
24 hope to keep as many of those as possible, and we feel

1 it's a design priority to keep that vegetative buffer.

2 So even though we are not presenting a detailed
3 landscape plan tonight, we did want to show you our
4 conceptual site plan that we will get to. Our total
5 canopy, as calculated by the city guidelines, is going
6 to result in 10,900, at a minimum, of additional canopy.
7 This is over double of the minimum that's required. So,
8 again, happy to go over that at the appropriate time.
9 But I do want to be on record that we are intending to
10 comply with spirit and law with these tree regulations.
11 We ask you not to base your decision on speculation that
12 we might damage trees. Please base your review on our
13 actual design and specifications and the established
14 process. Please allow us to develop a landscape plan,
15 allow us to develop a pre-protection plan, allow us to
16 calculate the full final added canopy coverage. And
17 please allow us to review it in the proper sequence with
18 the City Forester as part of the zoning compliance and
19 building permit process.

20 So now, let's continue. You will see in our
21 presentation that we have several photographs overheads
22 of the neighborhood, which we won't belabor. We can
23 move right ahead to the adjusted plans. And actually,
24 you can see there, we have included for your benefit

1 photos of the houses both directly across the street, as
2 well as to the sides. This is our adjusted site plan,
3 and we will go to a more illustrated version here. But
4 you will see that we have adjusted the location of the
5 garage forward away from that critical tree zone. In
6 fact, we're several feet away from that.

7 Let's go to the next slide. So for those of you
8 who weren't at the hearing, just to reiterate the
9 overall design concept, this is an unusual place in the
10 neighborhood. It's right on the borderline between
11 houses that are similarly scaled and similar-sized lots
12 and much larger houses to the north and to the west. So
13 one of the techniques that we've chosen to pursue here
14 is to have three houses that are related to each other,
15 and very clearly built at the same time, almost to give
16 the illusion of perhaps a grander residence. But then
17 still at the same time, fitting the scale of the
18 immediate neighborhood.

19 We can go to the next slide. So we've included
20 some floor plans. We're not required to a conceptual
21 massing, but we did want to give you a sense of where
22 this was headed and how those interior spaces relate to
23 the outside. And then next is the typical floor plan of
24 the detached garages. Again, as we stated in the last

1 application, these are not intended to be accessory
2 dwelling units. The only glazing is towards the, the
3 new houses lot. There are no windows facing any of the
4 abutters' property.

5 Next slide. Okay. So this is where we get to the
6 more contextual analysis that you requested. As you can
7 see, we've noted the relative heights of the structures.
8 These grade slopes down, as I've noted, about eight feet
9 from the very, very maximum down to the southeast
10 corner. We've adjusted the roofline since the first
11 application. The top of each gable is below the 40-foot
12 zoning requirement. And the eaves are each at about 24
13 feet, as measured for state regulations from existing
14 grade. You can see that there are houses both smaller
15 and wider, as well as taller on either side and across
16 the street.

17 You can go to the next slide. So this is the 3D
18 model that you asked for of the more immediate context.
19 You can, again, see to the west, to the north, we have
20 much larger structures. To the south and east, we have
21 structures the same size, density, massing, as well as
22 one or two smaller structures.

23 You can go to the next slide. Okay. So this I
24 think is maybe one of the most important documents we're

1 showing here. This shows the -- the green number is the
2 lot size. So first to address the lot size. It is very
3 much in the same scale, size, as most of the neighbors.
4 Again, there are some larger lots, there are some
5 smaller lots. We fit handily in the middle. The lower
6 number is the total footprint. Now, that footprint also
7 includes our detached garage. So you can see it's right
8 in line with most of the neighbors. Again, some bigger,
9 some smaller. But as we analyze that neighborhood
10 pattern, nothing out of this tells us that what we're
11 proposing is out of scale or even out of the ordinary.

12 Okay. Let's go to the next slide. So as
13 requested, we've developed this three model because
14 ultimately we don't see these structures from the air.
15 We don't see them from a plan. We don't see them as
16 numbers. We see them as structures. This point of view
17 is taken in front of the Aldrich House at 110 Benevolent
18 Street, looking towards the east. And you can see how
19 with the different kinds of roof shapes, the dormers,
20 you know, our structures are really almost
21 indistinguishable from the neighborhood context.

22 Let's go to the next slide. This is a closer view
23 of that same perspective basically from the corner of
24 Cooke and Benevolent looking eastward. And the next

1 one. And then this is from the bottom of Governor
2 Street and looking back up at Benevolent Street, showing
3 how these houses are really trying to emulate this
4 pattern. We don't have a row house situation. We don't
5 have a situation like we might have downtown. We have
6 different volumes at different, slightly different
7 positions to the street. And this is where it's most
8 evident. One of the techniques that we're using to
9 distinguish this ABA architecture, or you position that
10 center house forward so that as you are looking up the
11 street, that the other two actually recede. So we get
12 that capture of the interest of the street front.

13 And let's go to the next slide. And again, we're
14 not here for final, obviously. We're here for massing,
15 but we did want to show you what we're looking to for
16 inspiration. These are houses in the immediate
17 neighborhood, and we've indicated that on that site map
18 with the orange dot. But just quickly, the Aldrich
19 House, of course, 26 Cooke Street, which is right across
20 the way as inspiration for -- let's focus on four basic
21 elements. So roof form and dormers, the portico and
22 overall symmetric volume with aligned windows, and then
23 an approach to stairs that comes right out to the street
24 but with terracing. So, and those are kind of key

1 elements that our design is attempting to not only give
2 a nod to but express in a more contemporary way. Okay.
3 And the -- sorry. On that last slide you can see where
4 we're drawing some inspiration for some of the rounded
5 forms in the dormer. You can see that curvature to the
6 top, as well as in the bay at 37 Cooke Street and at the
7 dormers.

8 Okay. Next. Okay. So this is the view with the
9 existing street trees. There's four immediately in
10 front of the property. As all of you architects know,
11 you can't see the building if you show all the trees.
12 So we've provided a slide that shows those trees missing
13 just to illustrate what you would actually see if you
14 could see the building, so you can evaluate the
15 architecture. So if we go to the next slide. Again, we
16 have no intention of removing those trees, but they were
17 kind of in the way of seeing the architecture. So this
18 is how those roof forms and how that slight projection
19 forward. We have a very limited ability to push or pull
20 these structures forward or back per zoning. We're
21 required to be at least 11.1 feet away from the street,
22 but no more than 16.1. So within those parameters, we
23 have a little bit to play with. We would love to have
24 more, but we're really kind of -- have our hands tied.

1 You can see how we now have differentiated the center
2 house from the ones flanking it. The ones on the sides
3 have this rounded, perhaps more whimsical, kind of view
4 to the detailing. The center one has a projecting bay,
5 a portico, and then twin dormers that have double
6 windows at the top. You can see with all of them that
7 we've taken pains to have a strict alignment of the
8 windows that they have a very vertically proportioned
9 window. To the extent where panels, that's a very, you
10 know, time-tested techniques where we might have a stair
11 landing or a kitchen counter would be used to instill
12 that so we can maintain that masonry opening all the
13 way. And again, we don't have a landscape plan, but I
14 hope you can see that we intend to plant these with a
15 very lush, very green kind of approach.

16 Let's go to the next slide. And we're close to --
17 and again, this is with the street trees that are there.
18 We're showing them in the next slide removed so they can
19 actually see them. It can give a little clearer idea of
20 how those three kind of relate to each other. One other
21 adjustment that we've made since the last time you saw
22 it, is that we had hoped to put these on a straight line
23 to really emphasize that notion of being a single house.
24 With the grading, we have a couple of priorities,

1 obviously, caring for the root zone of our neighbors,
2 but also these are intended to be accessible. And so by
3 using that slope from the back to the front, we can get
4 at-grade entrances in from the driveway. We can have a
5 very gentle grade up to the front of the house. We're
6 still within our needs to lift off the floor slightly.
7 But using that terracing really, really helps us in that
8 regard. And so you can see here, we're starting to
9 illustrate how those walls might help and create a
10 platform for each of these houses and respond to the
11 pretty dramatic drop in grade as we go left to right
12 down the property.

13 Okay. So that is our presentation. Happy to
14 answer any questions, or we can return after the public
15 comment.

16 CHAIRMAN HAGGERTY: So a couple of
17 things. I do think the members of the Commission want
18 some slight explanation as to the contents of this, if
19 we are able to.

20 MS. GARNER: Sure. So the applicant has
21 indicated that these covenants and deeds are not
22 relevant to the Commission. I believe that's the
23 Commission's determination. You may hear from other
24 interested parties that they are relevant. It's up to

1 you all to determine whether they're relevant. Whether
2 they're currently active and enforceable, that's not
3 something that the City takes a position on. That is a
4 dispute between private parties. But I would say you
5 can look at these covenants and deeds just as any other
6 piece of evidence.

7 CHAIRMAN HAGGERTY: Okay.

8 MS. GARNER: You get to determine
9 whether it's relevant, you get to determine how to view
10 it, how to weigh it in making your determination,
11 looking at the standards.

12 CHAIRMAN HAGGERTY: Great. Thank you.
13 I appreciate it. Okay. So you want to do public
14 comment first?

15 MR. MARTIN: Yeah, we have to.

16 CHAIRMAN HAGGERTY: Okay. All right.
17 You want to start with folks in the room, I suppose.

18 MR. MARTIN: Now, so we have to start --
19 we're going to start with statements submitted by any
20 official commission or department of the city of
21 Providence, any state agency or any local historical
22 preservation or any neighborhood organization. I've got
23 the councilman's on the board, and I know he's pressed
24 for time. So, I -- If you don't mind --

1 CHAIRMAN HAGGERTY: Yup.

2 MR. MARTIN: -- we will hear from him
3 first.

4 CHAIRMAN HAGGERTY: Absolutely.
5 Whatever works.

6 MR. MARTIN: Councilman, if you want to
7 unmute yourself.

8 COUNCILMAN GONCALVES: Hi. Can everyone
9 see me okay here?

10 MR. MARTIN: We just got you on audio,
11 Councilman.

12 COUNCILMAN GONCALVES: Okay. Great.
13 Thank you so much. John Goncalves, Councilman for the
14 First Ward. I represent Fox Point, Wayland, College
15 Hill, the Jewelry District and Downtown Providence.
16 Evening, members of the Commission, Chairman Haggerty,
17 Vice Chair Sanderson, the Commissioners. I appreciate
18 your ongoing service to the City of Providence. And we
19 thank you for your leadership.

20 We sent a letter to the Chairwoman, or I should
21 say Applicant West, about this. And I very much
22 appreciate the applicant making some changes to their
23 plans in compliance with their zoning laws and
24 Comprehensive Plan. And I appreciate the thought that

1 they put into this proposal. However, I'm here to
2 respectfully request a continuance to a date certain,
3 such as the next HDC meeting for the proposed
4 development. And the reason why I'm suggesting this is
5 because despite multiple attempts to reach out to the
6 applicant via letters from our office, as well as phone
7 calls, we have yet to receive a response, which left us
8 without the opportunity to convene with our neighbors.
9 We've heard over from over 40 (inaudible) in general
10 proximity in this area. And we would love to sit down
11 and meet with the applicant, as well as the developer to
12 fully discuss some of the concerns that have been
13 raised.

14 This project involves, as you all know,
15 constructing three single-family homes with detached
16 garages on subdivided lots. And we recognize the
17 investment and the intentions of the developer and the
18 applicant to build something here by right and
19 completely understand that. However, we would love to
20 continue to review the scale and the mass and the
21 setbacks of the proposed development given the
22 substantial concerns raised among the neighbors. Again,
23 we understand that there will be a development here, and
24 this will not be green space and perpetuity. However,

1 this concern does center around the compatibility of the
2 project within the historic fabric of the Power-Cooke
3 Historic District, an area that I help lead the
4 expansion of in 2021. So I want to correct the record
5 on that. It wasn't 2023, but 2021, to preserve this
6 area's unique character. And my office worked
7 incredibly hard with the neighbors to expand the
8 Power-Cooke Historic District.

9 Residents, as you will probably hear today, and
10 you've seen in some of the testimony, have been deeply
11 concerned about the impact on some of the mature trees.
12 And I understand that the applicant has been in touch
13 with the City Forester and have worked very diligently
14 to address this issue. However, some of the plans
15 continue to be in direct conflict with the district's
16 character resembling more of a suburban subdivision
17 rather and a diverse historic architecture that defines
18 the area. So we would love to sit down with the
19 applicant, should they agree to discuss this more in
20 depth. Again, we understand that something will be
21 built here, but, you know, to be a good neighbor, we
22 have to be a good neighbor. And we would also love
23 clarity and transparency, particularly around the
24 potential use of the detached garages as an accessory

1 dwelling unit, should the pending regulations pass both
2 at the city level which could result in an exacerbation
3 of some of the quality of life issues that we've heard
4 about from some of our residents on Benevolent Street in
5 other areas.

6 So given these concerns, we believe a continuance
7 would be necessary to allow for more time for meaningful
8 dialogue between the architect, the developer, and some
9 members of the community. This will also give us the
10 opportunity to find solutions consistent with the law
11 that acknowledged the opinions and the historic
12 integrity of this district, while also addressing some
13 of the environmental and aesthetic concerns. And I
14 think it does behoove the applicant to meet with the
15 abutters as they do have the legal right to challenge
16 the project in court. And should the abutters choose to
17 file suit for whatever they decide, and I do believe the
18 deeds and covenants are relevant in this case, it would
19 substantially delay construction. No one wants to see
20 these projects tied up in the courts. And a continuance
21 would give all parties the opportunity to work toward a
22 mutually agreeable solution without significant delays.
23 So, you know, we believe that addressing these concerns
24 collaboratively would not only respect the community's

1 values, but also help avoid the risk of any lengthy
2 legal battles. And granting a continuance would be, in
3 my opinion, a prudent step in containing this issue and
4 ensuring that the project can move forward in a way that
5 aligns with the district's historic integrity.

6 So I kindly ask the Commission to consider
7 granting continuance to a date certain, so we can work
8 together to develop a project that reflects the values
9 of our community. And I appreciate you taking the time
10 to listen, and thank you for your consideration this
11 evening.

12 CHAIRMAN HAGGERTY: Thank you very much,
13 sir. Appreciate it.

14 MR. MARTIN: All right. So we're
15 running this for public comment next. I'm going to --
16 so what I'd like to say is that this meeting was
17 continued from the August 26th meeting. At that --
18 before that meeting, we received a considerable volume
19 of comments, all of which have been distributed to
20 members, all of which have also been posted up to our
21 website and are available for everyone to see and read.
22 The Commission -- I have copies of them here as well.
23 All of those are going to be submitted as exhibits. I
24 know that one of those things that were received was a

1 letter from the Rhode Island Historical Society. I know
2 the Executive Director is here, and whether she wants to
3 say anything further, it's welcome, or whether maybe the
4 Commission may have questions related to that matter.
5 That might be the appropriate time for that.

6 CHAIRMAN HAGGERTY: Does any member of
7 Commission have any questions for the Rhode Island
8 Historical Society relative to the contents of the
9 letter? I know we were all provided it in advance, and
10 we have all, I believe, read the materials.

11 MR. SANDERSON: I think it would be
12 helpful to me just to hear a brief summary from the
13 Executive Director about the situation. We have seen
14 the letters, we have heard some testimony, or rather
15 some public comment about it at the previous meeting. I
16 would like to be clear on what the status of it as we
17 heard some references to it in the presentation already
18 today.

19 CHAIRMAN HAGGERTY: Okay. Good
20 afternoon. State your name for the record, please, and
21 swear to tell the truth.

22 MS. GREFE: I'm Morgan Grefe, Executive
23 Director of the Rhode Island Historical Society. And I
24 swear to tell the truth.

1 CHAIRMAN HAGGERTY: Thank you.

2 MS. GREFE: Thank you so much for
3 hearing me and for taking the time to read the letter
4 that I submitted prior to the last scheduled meeting.
5 The letter generally summarizes the restrictions that we
6 believe and hold are still in place. I know that
7 previously it was mentioned, and you have received the
8 release language. So I also want to address that while
9 I'm here this afternoon.

10 In 1974, we received the Aldrich House as well as
11 the related property from the Aldrich and Rockefeller
12 families. They placed restrictions on it. The RIHS in
13 1974 did not place restrictions. This is -- so this is
14 a matter for us of donor intent. So this land was given
15 in trust with these restrictions. Those restrictions
16 sunset December 24th, 2024. So this year. However,
17 when we sold the land and what is referenced in the
18 release, is 1982 deed to Mr. Brodsky, in which case the
19 RIHS added additional restrictions. Those restrictions
20 had no end date, have been deemed not preservation
21 easements, and therefore, had an expiration, and we
22 believe have expired. When the property was sold last
23 year by Whisper Investments, we were asked -- we
24 submitted a letter that said we have done a -- gotten a

1 legal opinion that these have expired, so go forth. The
2 new buyers of the property insisted that we release the
3 restrictions should another lawyer say that those
4 restrictions still existed. They were informed via
5 letter that this did not pertain to the 1974
6 restrictions. This was only to the additional
7 restrictions, the right of first refusal, as well as the
8 right of needing our written permission for subdivision.
9 We allowed the subdivision into two parcels in that
10 release. So should these still exist, we stated that
11 two parcels was appropriate. So that is the contents of
12 that release. We believe the release was unnecessary
13 because we believe those restrictions to be expired
14 already. However, they are unrelated to the 1974
15 restrictions. So that was all stated in a letter that
16 went to the owners of Whisper Investments, as well as
17 then passed along to the lawyers for the Stewarts, who
18 then sold the property to the current owner. We were
19 not part of that secondary sale, did not know it was
20 happening, and in fact, did not know who purchased the
21 property until August 16th. So that was not -- we were
22 not part of any of those conversations.

23 So as I explained in the previous letter, we went
24 through a process in 2013 with the previous owners, the

1 Sacketts, looking at what was then the vacant land,
2 which includes what is now the Ragona property. So the
3 land at that point stretched from George Street to
4 Benevolent. So it was a large, much larger vacant lot.
5 The owner, at that point, wanted to subdivide into four.
6 We refused that, said it would be appropriate to
7 subdivide, we would agree to three. That was after
8 neighborhood conversations and meeting with experts in
9 the field, looking at the massing of the area and deemed
10 that one large lot where the Ragona property now is and
11 two lots where facing the Benevolent Street would be
12 appropriate. I then submitted in a letter the
13 guidelines that we gave to Mr. Sackett at that time and
14 how we would look at and judge those buildings from that
15 period. For subsequent owners when the Ragonas
16 purchased the property, they reached out to us with
17 their architect. We sat down, looked at the plans. It
18 was a relatively painless process to look at the plans,
19 I believe. And so -- and we also had the pleasure of
20 working with the family that owns Whisper Investment
21 with Mark Masiello to develop last year's sale. So we
22 have had the pleasure and honor of working with our
23 neighbors on this, with these restrictions that we have
24 now held for nearly 50 years.

1 Just to give you context in terms of our
2 relationship to these properties and the neighborhood.
3 But I just wanted to clarify sort of where we stand and
4 what those releases were actually about. And I would be
5 happy to take any, any questions about 1974, 1982, 2013,
6 whatever you want.

7 CHAIRMAN HAGGERTY: Thank you. Any
8 questions from the members of the Commission? Okay.
9 Thank you very much for your time.

10 MR. MARTIN: So, Mr. Chair, next -- so
11 the only -- so at the -- again, for the -- it's getting
12 a little confusing as far as relating to meetings.
13 There was a meeting related to this matter that we
14 heard. Then there was a meeting, it was scheduled and
15 it was continued. Nothing was heard at that point.
16 There was public comment received for that meeting.
17 That's what we're discussing just for clarity. At that
18 previous meeting, there was a letter submitted that
19 was -- has again, been made public, but it is now
20 entered from the City Forester. There has since been an
21 additional letter from the City Forester that has been
22 transmitted. And so I believe the City Forester is
23 here. So I don't know if -- I'd like to -- first of
24 all, we'd enter that into the record officially. And we

1 have all the copies.

2 CHAIRMAN HAGGERTY: Yeah. So we've all
3 seen the copies.

4 MR. MARTIN: You all saw this letter
5 because you've had it.

6 CHAIRMAN HAGGERTY: Yes.

7 MR. MARTIN: And so I don't know, again,
8 if there are any additional questions or anything that
9 you want to ask of that before we move down to more
10 general public comment.

11 MS. DOTSON: I have a question. So I
12 know the type of tree is on the invasive list, but it's
13 also been deemed significant. Which takes the
14 precedence?

15 CHAIRMAN HAGGERTY: Good afternoon. Not
16 to be repetitive, but please state your name for the
17 record and swear to tell the truth.

18 MR. DAGANHARDT: I'm Sam Daganhardt.
19 And I swear to tell the truth.

20 CHAIRMAN HAGGERTY: Thanks.

21 MR. DAGANHARDT: As regards to the
22 invasive nature of the significant tree, although it
23 might be considered invasive, the ordinance doesn't
24 discriminate between invasive and non-invasive trees.

1 It leads to a larger argument of what is invasive. We
2 have a lot of technically invasive trees throughout
3 Providence, and they still provide benefits that all
4 trees would provide if they get that mature. With some
5 unintended consequences, however, the ordinance does to
6 discriminate between invasive or a good tree.

7 CHAIRMAN HAGGERTY: Okay. Duly noted.

8 Any questions?

9 MS. DOTSON: That's it.

10 CHAIRMAN HAGGERTY: Okay. Thanks.

11 MR. DAGANHARDT: Thank you.

12 CHAIRMAN HAGGERTY: All right.

13 MR. MARTIN: All right. Mr. Chair, so
14 with that, I think, I think it would be -- I know that
15 Ms. Ragona is a direct abutter as some (inaudible) would
16 like to provide testimony. She's brought expert
17 witnesses with her for you to recognize as well. So I
18 think we should start there.

19 CHAIRMAN HAGGERTY: Yup. Let's go ahead
20 and do that. You want to come up and we will get you
21 all sworn in, signed in. Right. Good afternoon.

22 MR. DESISTO: Good afternoon. My name
23 is Anthony DeSisto. I'm an attorney. I represent Ms.
24 Ragona. My offices are at 450 Veterans Memorial Parkway

1 in East Providence. I'm going to make a brief
2 introduction, make a few brief legal statements, and
3 then I will turn it over to Cynthia and JP.

4 CHAIRMAN HAGGERTY: Prior to doing so,
5 can I just have everybody, again, just for the record
6 formally, please state your name and swear to tell the
7 truth before we get you going.

8 MS. RAGONA: I'm Cynthia Ragona. I
9 swear to tell the truth.

10 MR. COUTURE: JP Couture, swear to tell
11 the truth.

12 CHAIRMAN HAGGERTY: Okay.

13 MR. DESISTO: I want to briefly -- and I
14 haven't seen this memo that you just, apparently, just
15 received in regard to these restrictions on the
16 property. But I will tell you this, and I know your
17 solicitor will advise you on the same. Under Section
18 8-2-14 of the Rhode Island General Laws, the Superior
19 Court is the only forum that can determine interest in
20 real estate, that includes these restrictions. The
21 difficulty that the applicant has is they also have to
22 prove site control for any application that's filed.
23 That's a bit of a flaw in the application itself. It
24 should have been addressed for purposes of this Board

1 early on, as a matter of fact, immediately, rather than
2 right at this hearing phase. I'm not going to discuss
3 it further. You've heard from the architect. You've
4 heard from the Preservation Society on the matter.
5 You're in a difficult position. It's not under your
6 authority to determine whether or not a restriction is
7 valid or not or whether or not it's expired, but that
8 the Councilman Goncalves is correct. The issue is out
9 there. I think it does need to be considered, although
10 ultimately you can't decide whether or not it's still an
11 effective restriction. That's number one.

12 Number two, I just want to say one thing quickly.
13 You know, historic area zoning and historic district
14 commissions have their own chapter in the General Laws
15 45-24.1. That means that what you do is separate and
16 apart from zoning. Whether or not a proposed
17 development project complies with zoning isn't really a
18 consideration here. You have your own criteria with
19 which you need to operate on. Particularly for this
20 project, and unfortunately the panel isn't up there, I
21 was going to take a look at it. What it comes down to
22 is whether or not there are too many units for this
23 parcel. And I think that's something that you need to
24 decide. And I can tell you right now that is something

1 that you can consider and determine when you go forward
2 on this. And the question is, any time a certificate of
3 appropriateness is denied, essentially, one of the
4 things you have to make a determination on is that the
5 development is incongruous with the surrounding
6 neighborhood in the historic district. And that's
7 something that will be addressed later on with the
8 factual witnesses on it, but you have free standing to
9 do that. The determination as to whether or not three
10 houses with three detached garages are appropriate to
11 this site.

12 And one final thing. What I haven't heard and
13 what I haven't seen in what I've reviewed is why three
14 structures need to be placed on this lot. That hasn't
15 been explained why that is. Why isn't it two? It was
16 supposed to be two lots. That's what the restriction
17 said. That's apparently what the Aldrich/Rockefeller
18 family wanted originally. And in reviewing the General
19 Laws, reviewing your own regulations, I have yet to see
20 anything where the economic impact on the developer is a
21 consideration on this. And I submit to you that can be
22 the only reason why three units are proposed here as
23 opposed to two. The only time economic hardship comes
24 in is in the preservation of a structure, but not the

1 construction of a new structure on the property. And
2 I'd ask you to consider that when you see whether or not
3 this is appropriate, or as I would contend from a legal
4 matter, it is inappropriate. There are too many units
5 here. It creates too many problems.

6 If you have any questions for what I said, I'd be
7 happy to answer them.

8 CHAIRMAN HAGGERTY: Thank you. I
9 appreciate it.

10 MS. RAGONA: I own the home that abuts
11 to the rear. And I just want to make it clear, I'm not
12 against new construction in the district or on this
13 parcel in particular. My own home is new construction.
14 I've been anticipating new construction on this lot
15 since I purchased my own parcel in 2016. At that time,
16 the neighborhood was not a historic district. Yet, I
17 made a point of hiring an architect who was known in the
18 preservation community to create a home for me that
19 would fit the character of the neighborhood. And
20 because there were easements on the land, which Morgan
21 spoke to, I did get approval from the Historical
22 Society. I suppose I say we understand those apply to
23 this land. And I had that home that I believe fit the
24 neighborhood approved by the Historical Society.

1 My issue with this proposal is that it utilizes
2 the zoning laws to just cram too much stuff under the
3 one plot of land. It uses minimum street frontage,
4 minimum square footage, minimum setbacks. They've used
5 detached garages for minimum rear setbacks, maximum
6 heights for the garages and the houses. As a result,
7 the mass, the density, and the scale do not fit with
8 this historic fabric of our neighborhood, where most of
9 the homes have a little bit of room to breathe. It's
10 pushed to the edges of the lot in every direction. It
11 will eliminate green space on that lot, as well as we
12 will hear, kill a lot of trees on neighboring lot lines.

13 As Councilman Goncalves mentioned, he has reached
14 out on behalf of some of the neighbors to try to have a
15 conversation. And we did not hear back. And I don't
16 think they've shown much willingness to deviate from
17 their initial July 22nd proposal. At that meeting, the
18 presentation proposal, they had all of their homes
19 level. At that point, the concept was to look like one
20 house. Today, it was related to each other. I think
21 there was -- my understanding was there might have been
22 an issue with leveling the land. And so now they're not
23 level anymore, but otherwise it's the same design. We
24 had a continuance from the last proposed meeting due to

1 the significant tree on my lot. Rather than really
2 reconsider and redesign, they just scooped that garage
3 right outside the critical root zone. And I do note --
4 please note in the City Forester's letter that although
5 it does comply, there may still be detrimental effects
6 on the significant tree from the placement of that
7 garage and the building.

8 The current draft City Comprehensive Plan, which
9 was approved by the City Plan Commission in June, as I'm
10 sure you're all very familiar, calls primarily for
11 growth in the city. And even then, it more or less
12 exempts historic districts as areas for growth. It
13 specifically says, historic districts should, quote,
14 "Strictly regulate new construction to ensure
15 compatibility of new construction with the existing
16 historic fabric. The historic the Commission may
17 regulate land and buildings more strictly than the
18 underlying zoning in order to achieve this mission."

19 I urge the Commission to consider its authority
20 and responsibility in light of this and not grant this
21 conceptual approval, because the mass, density, and
22 scale are inconsistent with the current historic
23 district. And I'd like to request that they, you know,
24 agree to continue this and sit down with us and talk

1 about what may be a better fit.

2 MR. COUTURE: Hi, everyone. Cynthia has
3 stated most of the things I could say very well. As
4 most of you know, I was on the Commission myself long
5 ago. And I appreciate the position you're in and the
6 responsibility that the Commission has, and the power it
7 has to regulate development in the districts. For those
8 of us who live and practice in historic districts in
9 Providence, these are important projects. And in my
10 role at PPS as president and board member, I was also
11 involved in the creation of the district here.

12 Of course, I was also the one who convinced
13 Cynthia to sign the letter for the creation of that
14 district, because I believed that the Commission was the
15 best bet at ensuring that whatever happened to the land
16 in the future would be appropriate to the neighborhood.
17 I do not in my professional opinion believe that this
18 particular design is compatible with the neighborhood.
19 There's one exception in the district of row houses that
20 were built close together. But there's no example of
21 three houses being built at the same time of nearly
22 identical massing in a row with, you know, minor
23 staggering and with three identical garages that are
24 detached from the structure. Detached garages are, in

1 fact, unusual in the neighborhood.

2 I did submit some information I think to Jason. I
3 don't know if you have that. But I can tell you that of
4 the six blocks immediately around this, there are 54
5 lots and only 13 detached garages. None of them are
6 identical to each other or lined up in a row. I think
7 the idea of three identical houses and garages in the
8 historic district is incompatible, and therefore, should
9 not be approved conceptually. I do think there are lots
10 of designs that could be developed that would allow
11 beautiful development on the property. It was sold as
12 two lots. And I know there was discussion last time of
13 lots 253 and 260, across the street, being of similar
14 size to these three lots.

15 Have all of you had the chance to go out to the
16 site and actually look at these in person? Yeah. So
17 one of those two lots is actually a double house. The
18 property line runs right through it. So standing on the
19 street, rather than looking at it from the map, it looks
20 like a single house and has about 50 feet on one side
21 before the next building and probably at least 18 to the
22 west side. That was a creative way of taking a
23 60-foot-wide lot and putting two houses on it. That
24 also exists another historic districts, including my own

1 in Fox Point. So I do think there's a solution. I
2 don't think that this one is compatible with the
3 neighborhood. I appreciate the idea that, you know,
4 landscaping may be developed further, but landscaping is
5 not part of the purview of the Commission and will not
6 change the perception of the architecture. Trees come
7 and go as we know. Some of them will go as a result of
8 the project. So I think it's very important to keep in
9 mind that we should be looking at the buildings
10 themselves.

11 I know we heard last time that the design was very
12 carefully thought out based on local precedent. It
13 concerns me that after the amount of public concern was
14 put out there, that the solution was simply to move the
15 garage a few feet and the design is still as good as it
16 was before. And I don't say that to be negative. I
17 think that the designers are very capable and talented,
18 but I don't think this is the right solution.

19 I would also just like to suggest that the public
20 discussion component is important. I think in the past
21 when new construction has been proposed in historic
22 districts, it's been very helpful when design teams,
23 developers, owners have reached out to the community to
24 understand what the concerns are and to come up with a

1 design that is compatible with the district. Thank you.

2 CHAIRMAN HAGGERTY: Thank you.

3 MR. SANDERSON: Mr. Chair, may I ask a
4 question?

5 CHAIRMAN HAGGERTY: Yes.

6 MR. SANDERSON: It seems to me that JP
7 was introduced as an expert witness. And I did not hear
8 the qualifications that would make him an expert
9 witness.

10 MR. MARTIN: Mr. Chair --

11 MR. FONTECCHIO: Do we have a resume or?

12 MR. MARTIN: We do. We do. We've
13 received JP's resume. And thank you, Mr. Vice Chair.
14 We should officially recognize Mr. Couture as an expert
15 witness.

16 MR. FONTECCHIO: And could I just ask,
17 as an expert witness, do you have an educational
18 background in architecture, and have you practiced
19 architecture in your professional life?

20 MR. COUTURE: Yes, I am a -- I have a
21 Bachelor of Architecture degree and registered architect
22 in Rhode Island, Massachusetts and Florida. I served on
23 the Commission for seven or eight years, and I have
24 built projects in historic districts in four different

1 states.

2 MR. FONTECCHIO: And so the testimony
3 that you've given is as an expert in urban design and
4 architecture in a historical context?

5 MR. COUTURE: Yes.

6 MR. FONTECCHIO: Thank you.

7 MR. DESISTO: I would ask that he be
8 accepted as an expert architecture witness by the Board
9 of the Commissioners.

10 CHAIRMAN HAGGERTY: Would anybody like
11 to make a motion?

12 MR. SANDERSON: I would certainly move
13 that.

14 MR. FONTECCHIO: Second.

15 CHAIRMAN HAGGERTY: All in favor?

16 MR. KAPLAN: Aye.

17 MS. DOTSON: Aye.

18 CHAIRMAN HAGGERTY: Aye.

19 MR. FONTECCHIO: Aye.

20 MR. SANDERSON: Aye.

21 CHAIRMAN HAGGERTY: Any opposed?

22 (NO RESPONSE)

23 CHAIRMAN HAGGERTY: Okay. So moved.

24 Any other questions from the Commissioners before we

1 move along? Thank you, folks. Appreciate your time.

2 MR. COUTURE: Thank you.

3 CHAIRMAN HAGGERTY: So again, as we
4 approach -- we're already on an hour. I would, again,
5 request everybody, please be brief. I don't want to
6 have to get a timer out. But we do have an expiration
7 on the Commission members' attendance here.

8 MR. KAPLAN: What was it Chairman, 6:30?

9 CHAIRMAN HAGGERTY: Yeah. So we have a
10 stop at 6:30 I'm told. We're losing four, so.

11 Good afternoon, folks. Would you please introduce
12 yourselves, state your name for the record and swear to
13 tell the truth, please.

14 MR. MASIELLO: My name is Mark Masiello.
15 I swear to tell the truth.

16 MRS. MASIELLO: My name is Jennifer
17 Dirico Masiello. And I swear to tell the truth.

18 MR. SCHWARTZ: David Schwartz. I'm an
19 arborist. I swear to tell the truth.

20 MR. MARTIN: Mr. Chair, before we go
21 forward, I just want to say Mr. Schwartz's resume has
22 been submitted to us and distributed. And if I could,
23 have you recognize him as an expert witness.

24 CHAIRMAN HAGGERTY: Also by a motion of

1 the Board, I haven't seen his resume. Who was it
2 distributed to? I haven't seen any resumes.

3 MR. MARTIN: It's part of the public --
4 it was in with the public correspondence.

5 MR. SANDERSON: Could he give us just a
6 one-minute summary?

7 CHAIRMAN HAGGERTY: Yeah.

8 MR. MARTIN: Sure.

9 MR. SCHWARTZ: I can get you, I can get
10 you a copy. I've got it with me.

11 MR. MARTIN: Oh, we have copies of it.

12 MR. SANDERSON: Just a one-minute
13 summary, educational background, professional
14 experience.

15 CHAIRMAN HAGGERTY: Yeah.

16 MR. SCHWARTZ: I've been a professional
17 arborist for 55 years. I'm a member of the American
18 Society of Consulting Arborists. I've been accepted as
19 an expert witness in several different states. I taught
20 the master gardeners for 14 years.

21 MR. SANDERSON: At the University of
22 Rhode Island?

23 MR. SCHWARTZ: Yeah. This is the Master
24 Gardener Program. This is separate from the university.

1 MR. SANDERSON: Okay.

2 MR. SCHWARTZ: It's part of the
3 Cooperative Extension.

4 MR. SANDERSON: Okay.

5 CHAIRMAN HAGGERTY: Okay. Thank you
6 very much for that.

7 MR. SANDERSON: Do we have to vote on
8 this?

9 CHAIRMAN HAGGERTY: I think we probably
10 do.

11 MR. SANDERSON: I'll move it.

12 CHAIRMAN HAGGERTY: It's just a
13 transparency. Okay. Is there a second?

14 MR. KAPLAN: Second.

15 CHAIRMAN HAGGERTY: And everybody in
16 favor?

17 MR. KAPLAN: Aye.

18 MR. SANDERSON: Aye.

19 MR. FONTECCHIO: Aye.

20 CHAIRMAN HAGGERTY: Aye.

21 MS. DOTSON: Aye.

22 CHAIRMAN HAGGERTY: Opposed?

23 (NO RESPONSE)

24 CHAIRMAN HAGGERTY: Okay. Thank you

1 very much.

2 MR. MASIELLO: Thank you. My name is
3 Mark Masiello. I live at 26 Cooke Street. I also own
4 the garden. One of my companies is named Whisper
5 Investments, which actually sold the property that then
6 was sold to the developer who I believe is based in New
7 York. You know, I just observed this from the last
8 meeting on July 22nd in front of this Commission,
9 despite feedback from the Commission and the neighbors
10 that was substantial. And a lot of concerns were
11 raised. They have made no alterations to their plan.
12 It remains at 100 percent of each and every minimum and
13 each and every maximum. They are dead set on building
14 the biggest possible house on the smallest possible lot,
15 despite being in the heart of a historic district. Yes,
16 they have lowered one of the homes because -- to follow
17 the grade, because it turns out that there's a 10-foot
18 differential between the -- at street level between from
19 the Western to the Eastern side of the property.

20 Yes, they've added a lot more trees and greenery,
21 although as you will hear from the expert, those trees
22 and canopy is likely to die from this project. The
23 Historic Commission's mission we know Standard Number 8,
24 which is -- it talks about new construction shall not

1 destroy historic features. New work shall be compatible
2 with the massing, size, and scale of the surrounding
3 neighborhood. That's -- this project is inconsistent
4 with that. And when Jason brings up the presentation,
5 I'll walk you through that. Another Standard, Number 7,
6 says that when historic site features contribute to the
7 historic character of the property or the district,
8 alterations affecting such features shall be judged
9 stringently by this Commission.

10 CHAIRMAN HAGGERTY: Bear with me one
11 second. It appears your file may be corrupted.

12 MR. MARTIN: I have trouble opening it,
13 Mark. It gives me a "File Corrupted." Do you have it
14 on a drive or something I could --

15 MR. MASIELLO: We do have it on a drive.
16 I also can go into Zoom if you'd like to bring it up.

17 MR. MARTIN: Let's try this. And if
18 not, we can try that.

19 MR. MASIELLO: While we're working on
20 this, a few more words. But, you know, the plat that
21 they proposed will destroy features that characterize
22 the property. Great. This is it. Have you seen this
23 before, the Commission? Because this --

24 MR. MARTIN: They have not seen this

1 because we had trouble with the file. So this is --

2 MR. MASIELLO: Okay. I distributed this
3 a week ago so you would see it in advance. And I
4 apologize that you didn't have it. But the proposed
5 development would destroy features that characterize the
6 property. Its massing, size, and scale is not
7 compatible with the surrounding neighborhood. If you
8 would please just cycle through a couple of slides in
9 the next one. Oh that's -- okay. Backup one, please.
10 Okay. There we go. So these -- the Block A is the
11 block in question. And what you see in pink is the
12 proposed development. And so you're going to hear from
13 me about scale and numbers because I'm a math person,
14 and then my wife is a tree person. So you will hear
15 from that as well. But the numbers are very clearcut.
16 When we look at the Block A and the five surrounding
17 contiguous blocks that are all within the historic
18 district, the average dwelling size relative to the
19 property for each block on average is 25 percent. And
20 you can see it ranges from a low of 19 to a high of 30
21 -- 32, rather, on these six blocks.

22 If you go to the next slide please. Each of these
23 three proposed houses would be at 40 percent of the lot
24 size. If you go to the next slide, please. So you have

1 three houses at 40 percent, and the neighborhood is 25
2 percent. So therefore, what they're proposing is 160
3 percent of the average of this historic neighborhood. I
4 would say that that is materially different than the
5 massing that we experience. Our neighborhood is known
6 by having homes with healthy gardens and green space
7 surrounding them.

8 Can you go to the next slide, please? They --
9 it's a fundamental element of the Cooke-Power Street
10 Historic District of their sizable gardens. The green
11 space is conspicuous. The houses are not on top of one
12 another. They're not shoehorned onto the property.
13 Next slide, please. This is a visualization. So, you
14 know, if you think of this, this is what the
15 neighborhood average is in blue, and that's
16 representative of the average size lot. And if you go
17 to the next slide, that's what they're proposing.
18 That's 160 percent of the average for the neighborhood.
19 So the math just shows us that they're trying to create
20 high-density housing inside of this historic
21 neighborhood. Next slide. And I would just submit to
22 you that the massing, size, and scale of the proposed
23 development is clearly not compatible with the
24 surrounding neighborhood.

1 The second point is that the mature trees and the
2 canopy that they create are a second fundamental feature
3 of the historic district, and they must not be
4 destroyed. The plat development that's proposed will
5 jeopardize or kill several trees that are 50 to 75 feet
6 tall, mature trees. And I want to point out that just
7 as the City's zoning rules are not your guiding light,
8 your guiding light is the historic nature, according to
9 Standards 7 and 8. The significant tree, the definition
10 by the City is not your guiding light. Your guiding
11 light is, is it a historic feature of the neighborhood.
12 And these trees which are, we estimate 50 to 60 years
13 old, and you will hear from the expert, will be
14 destroyed. They're goners if this project goes through,
15 and nothing will ever grow to replace them. It's just
16 not -- it's not possible that a tree will grow that
17 mature after a development like this. And you will hear
18 that from the expert. And all you have to do is go to
19 Rochambeau or Slater Avenue where developers have built
20 high-density housing inside the neighborhood. And in
21 those cases, seven to eight 100-foot beach trees were
22 killed in Balton Road off of Rochambeau. And
23 unfortunately, these neighborhoods were not protected by
24 the HDC, but ours is. And so we're relying on you to

1 protect this important historic feature.

2 In conclusion, the proposed plat has caused an
3 outcry of concern by all those living in the historic
4 district. Fortunately, our historic neighborhood is a
5 historic district and is protected by this Commission
6 from excessive new and unreasonable development. The
7 plat they propose is fundamentally out of sync with the
8 nature of this district, a district comprised of
9 low-density housing with relatively large gardens and
10 vibrant mature trees. Six separate structures on three
11 small lots in the heart of this newly created historic
12 district is too much. It's too much massing, out of
13 scale with the neighborhood. Two homes on two lots is
14 much more in keeping with the neighborhood. If they --
15 if this proposed development is not substantially
16 altered, the Commission should deny its approval. With
17 that, I'm happy to answer any questions. Otherwise, I'd
18 ask Dave Schwartz to speak for a moment.

19 CHAIRMAN HAGGERTY: Any questions,
20 anyone?

21 MR. MASIELLO: Okay.

22 MR. SCHWARTZ: So in terms of rules, I
23 really don't know a lot about rules. I'm an arborist.
24 I know about trees. Did you get the pictures? Were

1 there pictures submitted with my report?

2 MR. MARTIN: Is that right?

3 MR. SCHWARTZ: Yes. The first picture
4 is from Balton Road. Now, this development was done in
5 2018. So six years into this process, that's the result
6 that they got with their plant material. I'm looking at
7 Exhibit 9H, and this suggests a vastly different outcome
8 that I have never experienced.

9 Could we see the next slide, please. So this also
10 is Balton Road. And you will notice the mass of -- how
11 the space is allocated with the mature trees. And on
12 the right side is the new use of space, which is really
13 inconsistent with mature plant material. It's just
14 turning the properties into something else completely.

15 Next slide, please. This is the east border of
16 the lot in question. In order to put in this
17 development, they're going to have to take down 60
18 trees. The canopy loss would be 16,000 square feet,
19 never to be recovered by this neighborhood. So we're in
20 global warming, 95-degree day, this neighborhood is an
21 oasis. Without these trees, a huge heat island is going
22 to be created, which is going to affect all of the
23 surrounding neighborhoods.

24 Next slide, please. This -- these are the seven

1 Atlas cedars. Fifty percent of the root systems are in
2 the development area. There is no way to develop this
3 and keep these alive. And they're a unit, they're a
4 unit. They start at one point and they end at another
5 point. So any kind of damage is going to start taking
6 out pieces of the puzzle. I think they're going to die
7 very, very quickly. I think they're going to die
8 immediately after construction.

9 Construction damage happens in three different
10 ways. If you ride construction equipment over the
11 ground, it compresses pore space, so the roots can't
12 work anymore. The excavation will tear out the roots
13 that these trees need. And then the process of
14 development, ultimately, soil is put on top of them,
15 which is completely going to change the way that the
16 roots work. The air is going to be processed
17 differently, the water is going to be processed
18 differently. And so with these trees gone, that corner
19 is going to resemble an industrial site with a
20 greenhouse.

21 Next slide, please. This is the street view.
22 Next slide, please. And this is the back corner facing
23 George Street. So I see so many of these developments,
24 you know, Balton Road, Slater Avenue, where the trees

1 will struggle for a year or two, and then they will die.
2 Construction damage started in 1975. Before that, you
3 had Governor Francis Farms, you had Glen Hills. And the
4 current developers don't know how to treat trees, they
5 don't know how to treat soil. So there is a constant
6 degradation of these neighborhoods. This is a quality
7 of life issue. So that's -- I think that basically
8 covers it.

9 MR. MARTIN: I do have one question for
10 you.

11 MR. SCHWARTZ: Yes.

12 MR. MARTIN: The Atlas cedar row.

13 MR. SCHWARTZ: Yeah.

14 MR. MARTIN: What is the root habit of
15 Atlas cedars?

16 MR. SCHWARTZ: Okay. These are mature
17 Atlas cedars. They are not going to adjust to anything.
18 If you're going to -- if I'm -- as an arborist, if I'm
19 going to deal with these, it's got to be as low impact
20 as possible so they don't know anything has happened to
21 them because they will not adjust. This would be a
22 horrendous assault on their root zone. They're going to
23 go down quick. I figure they're going to die
24 immediately. And Ms. Ragona, I figured the tree will

1 last about three and a half years. And this is
2 historically provable from the Balton Road development
3 and the Slater Ave. development. So the Slater Ave.
4 development, originally they left 60 to 70 foot white
5 pines and Norway spruce. Now, they're all bending out
6 towards the street. The developer cut the support roots
7 to within four feet to get the extra unit in. So, here,
8 you have a hazard situation that was created. You know,
9 it would be not a stretch to have one of these trees
10 fall onto Slater Avenue and kill somebody. I brought it
11 to the attention of the neighbors. I brought it to the
12 attention of the then City Forester who had them take
13 five of these down. But you can't -- we've got to
14 preserve the trees. We've got to preserve the soil.
15 We're not, we're not, we're not doing that. We're not
16 doing that.

17 This -- in order to put these three units in,
18 you've got to biologically kill the whole area, and I've
19 never seen it. I've never seen an area put back
20 correctly after that. That's my experience.

21 CHAIRMAN HAGGERTY: Thank you very much,
22 sir.

23 MR. MASIELLO: I just want to add a
24 point. But the -- in the materials supplied by the

1 developer, they show that the branches of these Atlas
2 trees at 12 feet, because that's how wide their driveway
3 is. But the reality is the branches are 24 to 26 feet
4 from the trunk of the tree. And that's in both the City
5 Forester's report as well as Dave Schwartz's report.
6 And I think it's standard understanding of the -- by the
7 arborist that the root system is underneath the drip
8 line of the tree. So the roots will be destroyed if
9 that house is built on that side of the house.

10 MR. FONTECCHIO: Actually, you're more
11 clearly answering what I was trying to get at.

12 MR. MASIELLO: Okay. And, you know, the
13 developer moved the garage based on the first tree that
14 was analyzed by the Forester. They would need to move
15 the western house to save these six Atlas trees the way
16 that they're trying to save the one sycamore tree.

17 CHAIRMAN HAGGERTY: Okay. Any comments?

18 MR. FONTECCHIO: I guess I've got a
19 question based on that statement. Is it appropriate to
20 ask the City Forester to comment on the situation with
21 these trees? Because we hadn't really heard any
22 information treatment about these trees.

23 CHAIRMAN HAGGERTY: Would the City
24 Forester like to (inaudible)? He's already sworn in.

1 So we just need to get him in front of a microphone,
2 right?

3 MR. MARTIN: Um-hum.

4 CHAIRMAN HAGGERTY: Do you want to have
5 a seat?

6 MR. DAGANHARDT: I'm still Sam
7 Daganhardt, City Forester.

8 CHAIRMAN HAGGERTY: Good to know.

9 MR. DAGANHARDT: I agree with what Mr.
10 Schwartz was saying about the root zone. The best
11 management practice when it comes to preserving roots
12 and mature trees is that the roots are either at the
13 drip line or they are at one foot per one-inch DBH of
14 the trunk, whichever one is greater. So, in this case,
15 the root zone would be considered greater due to the
16 fact that the limbs are extending past what the DBH
17 would dictate. The changing of the soil texture, I agree
18 with completely. And it's just going to create an
19 anaerobic environment, where although a lot of trees are
20 proposed and in theory would provide the 10,000, the
21 reality and the history would suggest otherwise.

22 CHAIRMAN HAGGERTY: And those trees are,
23 again, are not considered significant --

24 MR. DAGANHARDT: No.

1 CHAIRMAN HAGGERTY: -- (inaudible)
2 criteria doesn't work, right?

3 MR. DAGANHARDT: Significant only goes
4 by DBH.

5 CHAIRMAN HAGGERTY: If a property owner
6 was to trim or otherwise maintain a tree that extends
7 over to their property from another person's property,
8 is that within their right to do so if it is not a
9 significant tree?

10 MR. DAGANHARDT: Yes. You are allowed
11 to legally prune a tree that extends onto your property
12 up to industry standards. And if any of the work that
13 is done, at least the decline or death of a tree, then
14 it would become a civil situation.

15 CHAIRMAN HAGGERTY: Got it. Thank you.

16 MR. DAGANHARDT: Yup. Okay. We have an
17 hour. Jay?

18 MR. MARTIN: All right. So what I would
19 like this put forth, I know we've got people online who
20 might like to speak, and we also have members of the
21 audience. We have set up kind of this discussion to get
22 as much information that we thought was pertinent to the
23 Commission and discussion up forward and first. We are
24 pressed for time. But if anyone either present or

1 online feels the need to add anything additional to
2 what's been spoken, Mr. Chair, I think, we will take
3 that comment now.

4 CHAIRMAN HAGGERTY: Yeah, that sounds
5 good. And I think, I would like to impress upon
6 everybody again, additional commentary that hasn't
7 necessarily been spoken to, to some extent thus far. We
8 have heard quite a bit of commentary relative to some
9 deed restrictions, some significant or insignificant
10 trees, among other things, as well as density of
11 housing, percent lot coverage. So, again, if there's
12 commentary that's very specific and hasn't yet been
13 discussed, we would certainly welcome it.

14 MR. MARTIN: So, if there's anyone in
15 the audience, we will start here, since you're here.
16 No, none seen. Okay. Thank you. If there's anyone
17 online --

18 MR. SANDERSON: Can I just ask, Jason,
19 do we have a list of members of the audience who wish to
20 register either their support for the proposal or their
21 opposition to the proposal, even though they're not
22 speaking?

23 MR. MARTIN: No, we don't. We do have
24 all of the previous correspondence that we have been

1 given is entered into the record at that point and will
2 be delineated out in the minutes at that point as well.

3 MR. SANDERSON: So (inaudible) that
4 we're prepared today, that could be submitted?

5 MR. MARTIN: Correct.

6 MR. SANDERSON: So I would encourage
7 whoever has paper in the audience, even if you're not
8 speaking, you can record the fact that you were here by
9 signing up on such a list.

10 MR. MARTIN: Thank you.

11 MR. FOULKES: Hi. My name is Bill
12 Foulkes.

13 CHAIRMAN HAGGERTY: And do you swear to
14 tell the truth, Bill?

15 MR. FOULKES: I do swear to tell the
16 truth. I concur -- and I don't want to take up much of
17 your time. I concur on all the specifics. But if I
18 could give a non-specific issue. I live at 20 Cooke. I
19 live in the neighborhood. I've lived in the College
20 Hill Historic District for 25 plus years. I'm new to
21 this historic district. But the non-specific comment is
22 one of the great beauties of this historical district is
23 its quietness, is its tree-lined nature, is the shade
24 and the beauty of the homes and the historic nature of

1 the homes. And it would be, I think detrimental to the
2 feel of the neighborhood to have what really looks like
3 Virginia suburban homes crammed together right next to
4 all these historic homes. So again, I know a lot of
5 that was said, but I do want to give you the perspective
6 of someone who does not about the property, knows very
7 little about the trees, but has sort of a sense of what
8 the feel of this historic district is. And I thank you
9 for your consideration and protection of these types of
10 neighborhoods, having lived in them for nearly 30 years.
11 So thank you.

12 CHAIRMAN HAGGERTY: Thank you.
13 Appreciate it.

14 MR. MARTIN: So --

15 CHAIRMAN HAGGERTY: Are you online?

16 MR. MARTIN: So online now with using
17 the raise hand function, we will recognize you and allow
18 you to speak. Going once. Oh, okay. Ms. Gleason, hold
19 on. All right. We've got a couple, Mr. Chair. I'm
20 going to start with Sarah Gleason.

21 CHAIRMAN HAGGERTY: Sounds good.

22 MR. MARTIN: Sarah?

23 CHAIRMAN HAGGERTY: Sarah, can you hear
24 us okay? Sarah, can you hear me?

1 MS. GLEASON: Can you hear me?

2 CHAIRMAN HAGGERTY: Yes. We can. So
3 again, we can see your name. But would you please state
4 it and swear to tell the truth, please.

5 MS. GLEASON: Okay. Providence is such
6 a unique city and --

7 CHAIRMAN HAGGERTY: Excuse me, Sarah.
8 Sarah, before we get going, I just need you to state
9 your name for the record, please, and then swear to tell
10 the truth.

11 MS. GLEASON: Sarah Gleason. And I
12 swear to tell the truth.

13 CHAIRMAN HAGGERTY: Thank you very much.

14 MS. GLEASON: So Providence is
15 architecturally unique -- a unique city in many, many
16 ways. And I think preserving historic districts that we
17 have (inaudible) and quality that they were when they
18 were designated as historic districts is very important.
19 And we don't have historic districts covering much of
20 the city. So I think where we do have them, the
21 character of the neighborhood should be maintained. And
22 it's very important to do that. So I hope you will
23 consider that in your decisions. Thank you.

24 CHAIRMAN HAGGERTY: Thank you, Sarah.

1 Appreciate it.

2 MR. MARTIN: All right. You can follow
3 her if anyone else decides. We did receive some public
4 comment today via email for people who weren't going to
5 come. Before I get to that, Ms. Morrissey has raised
6 her hand. She had her hand raised while (inaudible)
7 talk.

8 CHAIRMAN HAGGERTY: Marina, could you
9 hear us okay?

10 MR. MORRISSEY: You can set me up so
11 that the Bluetooth is connected.

12 CHAIRMAN HAGGERTY: Hello, Marina. Can
13 you hear us all right? You're live here at 444.

14 MRS. MORRISSEY: Hi. Can you hear us?
15 This is Marina and Patrick Morrissey at 167 Power
16 Street.

17 CHAIRMAN HAGGERTY: Yup, we can hear you
18 just fine. Would you both please swear to tell the
19 truth before we get you going?

20 MRS. MORRISSEY: We do. We swear to
21 tell the truth.

22 MR. MORRISSEY: We swear.

23 CHAIRMAN HAGGERTY: Thank you very much.

24 MRS. MORRISSEY: We just wanted to speak

1 up and echo what Bill Foulkes and the Masiellos have
2 said about reserving the really important historic
3 character of our neighborhood. It's just too many
4 houses on too small a lot, and we need to come to a
5 solution that honors the distinct and really special
6 character that this neighborhood has. So I urge the
7 good people, the developer and the architects to please
8 listen thoughtfully to everything we've said and come up
9 with a better solution. Thanks so much.

10 CHAIRMAN HAGGERTY: Thank you.
11 Appreciate it.

12 MR. MARTIN: All right. So, Mr. Chair,
13 again, I've received some comment this afternoon. Just
14 briefly. I received comment from Claudia Elliott and
15 Julio Ortega, they are residents of 130 Benevolent
16 Street. They request a continuance of the review
17 process for more time to review and discuss the plans
18 and a more collaborative process involving the community
19 and neighborhood, one in which all would benefit. They
20 do welcome development of the property, but of the only
21 residents abutting the proposed development on the east,
22 they have several concerns, which include mass density
23 and scale, the impact of the trees and green space, the
24 lack of alignment of the architecture with the overall

1 aesthetic and environment of the neighborhood. They
2 have included some photos. And I will enter this into
3 the record officially.

4 I also received a letter from Terry and Laurie
5 Lee. They abut the proposed development at 118-126
6 Benevolent Street on the south side, believe that the
7 mass and density of this project is not in keeping with
8 the character of the neighborhood. They don't believe
9 the revisions that were made are sufficient as three
10 houses each with a detached garage is simply too much,
11 too many for that parcel of land. They have included an
12 aerial showing some of the points that have been brought
13 up previously by other applicants as well.

14 I received an email from Ms. Mauran, who is a
15 former resident of 151 Power Street. She also requests
16 a continuance so that the proposed development can be
17 allowed for further examination of the neighbors and has
18 concerns about the lack of appropriate landscape design
19 and impact of the trees.

20 Also, I received a letter from Mr. Frank Faltus of
21 124 Congdon Street. Again, expressing concerns
22 regarding the project and hoping that the Commission
23 will work very hard to maintain the character which
24 makes the city so beautiful, believes there's too many

1 dwelling units and, you know, things will be crammed
2 into the site.

3 And that is all I have for those public comment,
4 all of which I will enter into the record. Last call
5 for any other public comments. Mr. Chair, you can --

6 CHAIRMAN HAGGERTY: There's one hand up
7 in the back.

8 MR. MARTIN: Oh, I'm sorry. Go ahead.

9 MS. BROWN: (Inaudible) one?

10 MR. MARTIN: Sure, come up. Yup.

11 CHAIRMAN HAGGERTY: Please.

12 MS. BROWN: Do you have anyone else on
13 Zoom?

14 MR. MARTIN: Nope.

15 MS. BROWN: Oh, okay.

16 CHAIRMAN HAGGERTY: Okay. So that was
17 last fall for the internet, just so we're all on the
18 same page, correct?

19 MR. MARTIN: Um-hum.

20 CHAIRMAN HAGGERTY: Okay. Good
21 afternoon, early evening.

22 MS. BROWN: Hi.

23 CHAIRMAN HAGGERTY: Please just state
24 your name for the record and swear to tell the truth.

1 MS. BROWN: Marisa Brown. I swear to
2 tell the truth. So I'm here as a resident who lives
3 about half a mile from the site in Fox Point. And also,
4 I'm the Executive Director of Providence Preservation
5 Society. So I'm here to make a statement about this
6 project.

7 I'll preface it by saying when Providence
8 Preservation Society considers intervening into a
9 development in the city, we ask ourselves some
10 questions. How many people are impacted by the
11 development? Is the site public or does it serve the
12 public in some way? Has the site been listed on our
13 most endangered properties list? Is demolition at
14 stake? Or is the site a national or local landmark? Or
15 is it a national or local historic district? I'm here
16 today because the construction that's contemplated is in
17 a local historic district, as we've heard, the
18 Cooke-Power Street District, which my predecessor Brent
19 Runyon and Councilman Goncalves who spoke at the start
20 of this meeting, helped to establish along with
21 community members, neighbors, community leaders. The
22 process took about 10 years, and it resulted in about 90
23 properties being designated in 2021.

24 PPS supports the establishment of local historic

1 districts as a means of protecting and preserving the
2 architecture and heritage of our city's many historic
3 neighborhoods. So as we know, the proposal does not
4 involve demolition or modification of a historic
5 structure or a public cultural landscape. On this
6 project, it was really instructive to hear some of the
7 testimony today about the trees. That was one thing I
8 think that PPS was considering. And I also want to
9 thank the City Forester for several critical
10 contributions to the process that I was able to read
11 before today. But we feel that the final design on this
12 site really must accommodate and preserve the trees that
13 have been presented today.

14 As we know, and many have pointed to, the specific
15 regulations at stake here, quote, "Shall be specified
16 that new work in a historic district shall be compatible
17 with the massing, size, scale, and architectural
18 features of the property and the surrounding
19 neighborhood to protect the historic integrity of the
20 property and the site." So I think for us this
21 generated questions and conversations about data and
22 metrics. And I think one question -- I think in the
23 design proposal there was a lot of data that was very
24 helpful about the height of the houses, the lot coverage

1 of these houses in relationship to its neighbors. JP
2 Couture made some really important, I think relevant,
3 comments about also the parking structures and sort of
4 thinking about those, what does it mean to put three on
5 a site. So I think that what I would really encourage
6 here and we are still assessing is metrics data. I
7 think it often in cases like this, a feeling of
8 something not being in scale, not sharing a mass, not
9 sharing a size is different from the data about what
10 that neighborhood and the proposal actually reflect. So
11 I would really encourage this group to be studying that
12 data. If you don't have it -- and I don't know the
13 answer to that. I don't know if you have access to that
14 data. I don't know if you have access to, you know,
15 looking at 500 to 700 feet around the house or draw the
16 radius where you may to really studying the data on
17 that. Because I think in these kinds of questions, it
18 is really important to make metric-based and data-based
19 decisions.

20 I will also share that this feels familiar, and
21 now as a neighbor, because I live on Williams Street.
22 And there was a very similar situation that unfolded on
23 Williams Street with a large lot with one small historic
24 home that ultimately was subdivided and two additional

1 new homes were put up. Actually, the architect is here.
2 It's a beautiful house. It's almost finished on John
3 Street. The two new homes that were built were not only
4 compatible with the massing, size, and scale of our
5 historic neighborhood, but they also contribute a new
6 vitality to the street and the neighborhood. So we at
7 PPS will -- and I also want to say, I am sympathetic to
8 the concerns of the neighbors about the project. You
9 know, we take very seriously, as well, the preservation
10 of the trees that do exist on the site and appreciate
11 the City Forester and also the arborist who is here
12 today to share more information about what might happen
13 to those trees. And I would really urge that this
14 conversation, which really comes down to these
15 particular words and how you are going to define them,
16 which is the massing, size and scale to be quite you
17 know, sort of quite, quite a bit driven by data and data
18 comparisons with what exists in the surrounding
19 neighborhood. Thank you so much.

20 CHAIRMAN HAGGERTY: Thank you.

21 Appreciate it. All right. So with that, I believe
22 we've wrapped the public comment. We have about 45
23 minutes before one of our members needs to depart at
24 6:30. Comments, questions and discussion amongst the

1 Commission?

2 MR. FONTECCHIO: I have got another
3 question, actually. I think this would be for our legal
4 counsel. This type of thing has come up in previous
5 applications. Sometimes they're actually a historic
6 landscape, sometimes they are not. They're just
7 property that happens to have trees on it. I'm not
8 completely sure. I understand the limits of our
9 purview. Maybe you can kind of clarify for me at what
10 point trees that, you know, for example, these Atlas
11 cedars, they are not listed as significant trees by the
12 City. They are, looking at the aerial photograph, a
13 substantial mass, a significant element on this tree.
14 Do our guidelines allow us to put precedents on those
15 or?

16 MS. GARNER: I think I might have Jason
17 come in with this question.

18 MR. FONTECCHIO: Sure.

19 MS. GARNER: I think if you look at
20 Standard 7, it might speak to your question.

21 CHAIRMAN HAGGERTY: Jay looks like he's
22 thoroughly prepared to answer this, so.

23 MR. FONTECCHIO: Perfect.

24 MR. MARTIN: So, I mean I would just --

1 so I think Standard 7 does speak to -- could speak to
2 this. So Standard 7 is when historical architectural or
3 site features are determined by the Commission to
4 contribute to the historic character of the property or
5 district, proposed alterations or additions affecting
6 such features shall be judged more stringently. And so
7 I think that may apply in this situation.

8 CHAIRMAN HAGGERTY: Okay.

9 MS. GARNER: Also, you know, you're
10 charged by statute is to preserve the historic
11 structures, also foster civic duty, stabilize and
12 improve property values, safeguard the heritage of the
13 city or town, and preserving elements of its cultural
14 social, economic, and political and architectural
15 history. So those are very wide parameters. And
16 then --

17 MR. MARTIN: Yes, they are.

18 MS. GARNER: -- narrow some criteria
19 that you can look at specifically, which I listed out
20 the three criteria. So you could also potentially look
21 at all the evidence as it relates to that criteria.

22 CHAIRMAN HAGGERTY: I actually have a
23 comment while we're talking to Sharon and Jay -- or a
24 question, more specifically. And first, thank you very

1 much to the applicant for a secondary very detailed
2 presentation. I understand this is for conceptual
3 approval. It's a good amount of detail. And we
4 understand that and appreciate it, as well as to
5 everybody amongst the general public here and online.
6 Thank you very much for your commentary and your expert
7 witnesses. We all collectively, I think, have, you
8 know, been educated to some extent on some of the
9 parameters surrounding this potential development.

10 My question to both of you actually is, has this
11 application yet been deemed complete? And it's a
12 leading question because the -- relative to the question
13 of continuance. We have a timeline during which we are
14 obligated to turn a decision around when an application
15 once completed. And it's 45 days.

16 MR. MARTIN: Um-hum. So it's a
17 complicated answer.

18 MS. GARNER: I think it's up to the
19 Commission to determine whether or not an application is
20 complete. If there are any further -- is there -- if
21 there is further information that the Commission feels
22 it needs to make its determination based on the
23 criteria, you can specifically ask for that prior to
24 determining an application is complete. So I don't

1 believe that necessarily a staff person who reviews
2 what's been submitted has the authority to determine
3 whether everything is complete at that point for the
4 Commission.

5 CHAIRMAN HAGGERTY: Okay. So, and
6 again, in the interest of being fair to everybody here,
7 I am unable to make motions as Chair. But I will put it
8 to the rest of the Board that generally speaking you
9 consider the applications to be complete at this point
10 in the interest of at least acknowledging all of the
11 efforts amongst the applicants and all of the other
12 information that's been presented to us at this point.
13 We don't necessarily need to make that. I don't even
14 know how we make that. But I think it's, it's important
15 to consider that as people are talking about the
16 potential contingencies of moving this thing along.

17 MR. MARTIN: Right. So what else --
18 what I can speak to that is when motions are typically
19 made by the Commission, we start them off with the
20 application is considered complete. I would leave it to
21 Counsel to argue whether or not it is at that point that
22 the clock actually starts ticking because that's when
23 you decided it was complete.

24 CHAIRMAN HAGGERTY: Yup.

1 MR. MARTIN: The arguments never really
2 come up in the past that much. So it's one of those --

3 CHAIRMAN HAGGERTY: Yup. Again, I'm
4 just trying to be --

5 MR. MARTIN: Correct.

6 CHAIRMAN HAGGERTY: -- expeditious to
7 this.

8 MR. MARTIN: No. Um-hum. Yup. I think
9 in my staff report, I said that this application may be
10 considered complete for conceptual review, because
11 that's where we were at, at that point.

12 CHAIRMAN HAGGERTY: Yup.

13 MR. MARTIN: But that is how I would add
14 onto what Counsel was saying.

15 CHAIRMAN HAGGERTY: Okay. Okay. And
16 then secondarily to that -- and I apologize if I'm
17 hijacking anybody else's line of questions or
18 commentary. Are we able to ask the applicant if they
19 are interested in continuing their application or they
20 would like the Commission to continue to discuss it and
21 potentially make a ruling or a decision this evening?

22 MR. MARTIN: Sure.

23 MS. GARNER: Of course.

24 CHAIRMAN HAGGERTY: Would the applicant

1 care to comment on that?

2 MS. WEST: Here or?

3 CHAIRMAN HAGGERTY: Yeah. Wherever
4 there's a mic. Just go to this one.

5 MS. WEST: Okay. Thank you. Now,
6 respectfully, we would not make a motion to continue.
7 We believe we've submitted a complete application and
8 provide ample evidence for you to consider at the
9 conceptual level.

10 CHAIRMAN HAGGERTY: Thank you.
11 Appreciate it. Okay.

12 MR. FONTECCHIO: Okay. And now I'm
13 going to throw another fly in the ointment here. In the
14 case of the trees in this property -- and I have to
15 apologize, some of this is my being now more aware of
16 some of the situations that are out there. The trees --
17 get my orientation here. To the east seem to be much
18 more an evolution of trees that have grown in, they are
19 a mixture of varieties.

20 CHAIRMAN HAGGERTY: Yeah. I don't think
21 anybody's yet identified what they are.

22 MR. FONTECCHIO: Right. And I think it
23 might be --

24 MR. MARTIN: Mr. Schwartz. Yes, yes.

1 MS. GARNER: Yes.

2 MR. MARTIN: Mr. Schwartz has identified
3 them, and so has the applicant.

4 CHAIRMAN HAGGERTY: The ones to the east
5 side?

6 MR. MARTIN: Yes.

7 CHAIRMAN HAGGERTY: I thought we were
8 talking about the cedars.

9 MR. FONTECCHIO: Well, again, I'm
10 looking at --

11 MR. MARTIN: You're talking closest to
12 Governor Street?

13 MR. FONTECCHIO: Correct. Yes. The
14 cedars, on the other hand, are a clear, you know,
15 arguably historic intervention by somebody that was
16 making a specific decision when those were planted. So,
17 to me, those trees have a very different meaning than
18 the series of large-scale trees that have grown up over
19 time. And the fact that they extend, as was presented
20 here, maybe this could be verified, an additional 12
21 feet into the footprint of the house, I think is a
22 significant issue. Yeah. This is awkward because I
23 understand this from both sides. I'm an architect. I
24 appear before boards. I go through this process all the

1 time. But at the same time that impact of sharing
2 roughly 12 feet off the side of those trees over much of
3 the property's life is concerning to me. Because you
4 also don't want to share those off to six inches from
5 the face of the building. I mean, there's windows on
6 that side of the face. There's the viability of the
7 structure itself. If you have an entire hedgerow of
8 trees against a structure, it's not a positive thing for
9 the tree or the structure because light is no longer
10 going to get in there, air movement is not going to get
11 around the tree, which is bad for the tree. It's also
12 not great for the building. So I would be looking for
13 some more clarity as to what's actually happening.

14 CHAIRMAN HAGGERTY: So this is more of a
15 comment than a question than anything else. So I
16 occasionally check out the Rhode Island Historic Aerial
17 Mapper. I'm sure everybody's marginally familiar with
18 it if you're looking to chart the course of development
19 over time. In that very same row, there is a very large
20 tree that disappears, the one closest to the residence
21 actually between somewhere in the mid-2000s to the
22 mid-20-teens that was very much part of whatever that
23 row of trees was that appears to have been taken down
24 and replaced with some combination of hardscape, maybe

1 an addition or something to that effect. And I'm just
2 saying, it was probably not necessarily a problem or a
3 consideration at that point. But when taken in mass at
4 the remainder of the trees, we are -- have more heavily
5 considered with angles. And it just it clearly
6 disappeared. And I wasn't on the Commission at the
7 time. It, you know, again wouldn't have come before the
8 Commission at the time anyways. But it's just one of
9 those points of comments that we're looking at
10 historically speaking, development of that site,
11 specifically that parcel.

12 MR. FONTECCHIO: I guess another related
13 question, maybe the Forester could answer is, where are
14 these Atlas cedars relative to life expectancy? Are
15 these trees that are going to endure, given good
16 conditions, well into the future? Are they at a point
17 of decline?

18 MR. DAGANHARDT: It's hard to predict
19 the point of decline over what a life expectancy would
20 be typically, just with so many factors given and where
21 the root zone is. There's just too many site factors to
22 confidently say it. That being said, there's no
23 evidence of decline. There's no evidence of stress to
24 the trees. There is hardscape right up to them next to

1 the greenhouse. And typically, I would suspect to see
2 some sort of stress markers, whether it be chlorosis or
3 something of that nature or needle drop. And I don't
4 see anything. So I would -- my best guess, my
5 professional opinion, these are very healthy, very
6 mature trees that have a long life left.

7 MR. FONTECCHIO: All right. Thank you.

8 CHAIRMAN HAGGERTY: So I had been taking
9 notes during some of the other commentary, too. There
10 was a point made about the garages. And again, I know
11 I'm new, and one of the newer members of the Board. But
12 garages don't necessarily bother me in the fact that
13 they exist especially when they're realistically not
14 going to be seen from the street. I can't see in any
15 way, shape or form where these structures behind these
16 homes have the massing that they are proposed right now,
17 are going to be visible. I just can't -- I'll buy that
18 there a discussion point into percent lot coverage,
19 which I also have, you know, some commentary about given
20 that there's a density very similar to the proposed
21 development quite literally attached to it on the
22 adjacent street, which is Governor. But the garage
23 comment about, you know, kind of moving them around, I
24 mean, the garages are accessory structures. They're,

1 they're never going to be seen except by the residents
2 of the home. And I think, you know, it's probably not
3 the fairest commentary. So to use that as an argument,
4 when again, they will be set very, very, very far back
5 on the lots or the parcels.

6 MR. KAPLAN: On the other hand, you
7 know, we've heard a lot about these three structures
8 today. And my interpretation is there were actually six
9 structures when you include the garages. So, you know,
10 I feel like it's -- it should be considered and does
11 have an impact, the garages do. I feel like it's quite
12 crowded, this lot. And, you know, if we go back to the
13 original covenant and we look at the history where they
14 were -- again, I'm not quite clear what our conclusion
15 was there, but I think getting back to the two
16 structures is what this land deserves. And the size,
17 scale, and mass right now is, I think, way overstated.
18 It looks to me like a group of row houses and very
19 cookie cutter, also.

20 MR. SANDERSON: I guess I would join
21 Neal in that sense of the primary houses. I think the
22 garages is a hard case because they are not highly
23 visible from the public right of way. On the other
24 hand, I keep coming back to the, to the realization that

1 this is not a proposal for one house. We might look at
2 a proposal for one house, and we would look at its
3 design, and we would look at its site features. This is
4 a three-lot, three-house development. And so I think
5 it's the impact of the development as a whole that
6 concerns me rather than the specifics of an individual
7 building.

8 And in thinking about conceptual approval based on
9 mass, scale, and design, I think we were all struck at
10 the first meeting. I continue to be struck at this
11 meeting at how much those three buildings as a unit are
12 inconsistent with the architectural character of the
13 district as a whole. This is a district that's
14 characterized by an eclectic architecture with buildings
15 of varying sizes. And I -- in looking at the particular
16 block that it's on, there is one small -- existing,
17 there's one small house. We've heard that there's a
18 double house. Actually, there are -- I think there are
19 two double houses. And then there are a couple of
20 really big houses at the end of the street. There's not
21 a consistent pattern of either large or small houses.

22 And so, part of what makes this development stand
23 apart from the character of the district as a whole is
24 the very symmetrical, very rigid uniformity of three

1 buildings in a line. And as was pointed out in
2 testimony that we heard just a few minutes ago, that is
3 not duplicated anywhere in this district. In fact, if
4 you look at the block where this parcel is located,
5 there aren't any buildings with gable roofs that are
6 flanked to the street. All of the buildings have a
7 different form. And although the idea of having a gable
8 flank to the street and a symmetrical facade appears in
9 some historic districts as a, as a frequent building
10 type, it does not appear in this district as a frequent
11 building type at all, except on Power Street where
12 buildings were built actually before the rest of the
13 plat was platted out.

14 And so I don't think that this current proposal
15 that's before us, relates very well either to nearby
16 buildings on the street where it's located or within the
17 district as a whole. And I think that while I'm
18 thinking about questions about landscape, it doesn't
19 appear that there are designated historic landscapes
20 within the districts. There are gardens, there are
21 trees, but there are not at least studied and documented
22 formally designed historic landscapes. But that doesn't
23 mean that the general character of vegetated yards and
24 tree canopy cannot be considered as part of the context,

1 part of the setting for these buildings. The National
2 Register of Historic Places makes a distinction between
3 designated landscapes and landscape settings for
4 buildings. And altering the setting of a building can
5 affect the character of the historic structure itself.

6 So it seems to me that the project as presented is
7 not in keeping with the historic district. It meets the
8 standard in our legislation as being incongruous with
9 the historic architectural character of the district. I
10 agree with others who have noted that the lot is
11 certainly buildable. And I think appropriately designed
12 buildings would be an improvement to the vacant lot.
13 But I don't think this is that design. A redesign
14 project for two buildings would have greater design
15 flexibility and might be more compatible with the scale
16 of the historic district. And I think architectural
17 treatments for more individualized buildings might vary
18 the roof design and the building floor plan. They might
19 use a variety of building materials. They might select
20 different window designs for different buildings. They
21 might not duplicate design details. And I think changes
22 such as those could help establish visual relationships
23 between the new buildings and the historic buildings
24 that characterize the district as a whole.

1 CHAIRMAN HAGGERTY: Thanks, Ted. That
2 was a quite well thought-out statement. Anybody else
3 have any comments, questions, concerns?

4 MS. DOTSON: Oh, I would just echo much
5 of what Ted had to offer. I'm going to agree with most
6 of it. I think I don't have an issue building a garage.
7 I think it would be foolhardy to invest in these
8 buildings without them. I know at the last meeting
9 there was some discussion about adding sewer and toilet
10 to this space, but it's been described as not a
11 potential ADU space.

12 CHAIRMAN HAGGERTY: Yeah.

13 MS. DOTSON: I think we need to be very
14 clear on, is it a garage or is it a potential ADU in the
15 future. And the ABA patterning was nice, but I agree, I
16 just don't feel it goes too far. It doesn't go far
17 enough. And overall, they feel very large for the lot
18 size.

19 CHAIRMAN HAGGERTY: Okay. I don't get
20 why (inaudible). I'm really not necessarily bothered by
21 the size or the massing. I keep coming back to the fact
22 that like, when you, when you look at, again, pulling
23 the numbers, and I'm just -- I'm not a very good
24 mathematician, but I am good at Excel. So we looked at

1 the lot coverage on the streets for the three homes that
2 are immediately adjacent around the corner from the
3 parcels. And it's within two-tenths of a percent. I
4 mean, almost verbatim in terms of the actual density and
5 built out physical form between garages and homes. The
6 lots are basically the same size. The density is the
7 same. I think the only thing to Ted's point is that
8 they were built gradually over time, not necessarily
9 simultaneously all at once.

10 So again, the fuzzy version of the sizing and the
11 overall massing of them doesn't really bother me that
12 much. And there is precedent for it literally next to
13 these parcels. And I think the thing that we need to
14 keep -- or keep in mind anyways, is that we are at the
15 very edge kind of above that district. And you dip into
16 an area of greater density the further, I guess it's
17 east, you go. And then when taken in totality, I think
18 those numbers can be a little bit tricky to understand
19 in the sense that it was 160 percent, I think was the
20 number that was thrown around for the typical lot
21 coverage in this area. There are parcels that are very,
22 very similar in size and scale to this right there.

23 MS. DOTSON: For me, it's not
24 necessarily the footprint, but just vertical height.

1 Like I guess the question I had and I don't -- I haven't
2 seen this number is -- I know that the new proposal
3 falls under the height requirements. But how does it
4 line up with heights of buildings on similar-sized lots?
5 Like is it above buildings with similar footprint that
6 might be shorter?

7 CHAIRMAN HAGGERTY: Yeah. You can --
8 there were some of those in elevation in the applicant's
9 package. But I think it just kind of shows up in one of
10 them or in a cadence kind of (inaudible) --

11 MS. DOTSON: Yeah.

12 CHAIRMAN HAGGERTY: -- these guys.

13 MS. DOTSON: Right. Like I understand
14 there's buildings of similar stories and size, but it
15 seems like those tend to be on lots that are larger. Am
16 I wrong?

17 MR. FONTECCHIO: Well, I think at least
18 for me, again, just to quickly talk about the garage
19 thing. The two garages that are actually isolated from
20 the house, I don't see a problem with at all. The one
21 that is right against the house feels awkward being as
22 close as it is but not touching. So that's one issue.
23 But I think the issue I have -- I'm not even opposed to
24 the three lots per se, but the perception of these

1 versus the character of the other buildings, these feel
2 for narrow houses, which are what we're kind of
3 comparing them to, those houses tend to have a
4 verticality to them. And these proposed structures do
5 not. There is often some modulation of the street
6 elevation instead of one big block where a portion of
7 the building steps a little bit forward, breaks the roof
8 lines, changes the feeling of it being just a monolithic
9 piece. And that's the part to me that doesn't feel in
10 keeping with the other structures. The fact that they
11 are three lots, and that there's three structures fairly
12 close together, doesn't bother me per se.

13 MR. KAPLAN: I think one thing to note,
14 there's so much public testimony here and public outcry,
15 and I think that should tell us something and really
16 have some serious significance in what happens with this
17 lot and this proposal. I think it's important we listen
18 to that many people that are concerned and certainly in
19 opposition.

20 MR. SANDERSON: Remind me of the rule --
21 this is before us for conceptual. If it's voted to
22 approve, obviously, they go forward, come in with final
23 design and deed plans. If it's not voted to approve,
24 what is their recourse?

1 MR. MARTIN: So their recourse if
2 it's -- so when the Commission grants an approval,
3 whether it be conceptual or final, I'm going to issue a
4 resolution as to whatever that is, whether there's an
5 approval or denial. In the case of a denial, say of a
6 conceptual approval the applicant would have the
7 opportunity to appeal that to the Zoning Board of
8 Review.

9 MR. SANDERSON: Actually, I was -- I
10 didn't phrase my question right.

11 MR. MARTIN: Okay.

12 MR. SANDERSON: We have a rule that you
13 can't come back in front of us after we turn you down
14 for some period of time.

15 MR. MARTIN: Um-hum.

16 MR. SANDERSON: Does that relate to
17 conceptual approvals?

18 MR. MARTIN: So we -- Counsel thinks
19 that they could, but they would have to -- so usually
20 that rule is they have to wait for a year. I've heard
21 some, some comment from, from different counsels that
22 once you deny something, it's denied. And they can't
23 come back. So that's an interesting thing I've heard
24 more recently. But typically what happens is if the

1 Commission denies something, no one can come back for a
2 year unless there is a material change to the
3 application. It's a different application in essence.
4 Or the Commission itself votes to hear it again in a --

5 MR. SANDERSON: Right.

6 MR. MARTIN: -- before that one year.

7 MR. SANDERSON: Got it.

8 CHAIRMAN HAGGERTY: So point of
9 clarification. Would a material change be a different
10 number of potential lots in a subdivision?

11 MR. MARTIN: This was a material change.
12 Just the changing of the application of the
13 (inaudible) --

14 CHAIRMAN HAGGERTY: Okay. So just
15 moving the garage was considered enough of a material
16 change?

17 MR. MARTIN: Yes.

18 CHAIRMAN HAGGERTY: Okay. Thank you.

19 Well, folks, it's 6:11, and we have until 6:30.
20 As I've mentioned before, I am unable to make a motion.
21 If there is a motion trickling around in somebody's
22 head.

23 MR. SANDERSON: I'm sure that Jason in
24 his usual efficient way will phrase what we have to say

1 better than we will ourselves. But I would be willing
2 to make a move on motion not to issue conceptual
3 approval.

4 CHAIRMAN HAGGERTY: So there's been a
5 motion made. Is there a second?

6 MR. MARTIN: I would just --

7 CHAIRMAN HAGGERTY: Or do you need to --

8 MR. MARTIN: I -- well, I --

9 CHAIRMAN HAGGERTY: Can we read the
10 motion up for consideration?

11 MR. MARTIN: If you're going to make --
12 whatever motion you make, I think you need to explain in
13 the motion exactly the reasons for denial.

14 MS. GARNER: Yes. If you (inaudible) --

15 MR. MARTIN: So I don't want to speak
16 for you, but I will guide you.

17 CHAIRMAN HAGGERTY: Okay.

18 MR. MARTIN: As I (inaudible) --

19 MR. SANDERSON: And do we want, and do
20 we want a wordsmith before we know if there's a second
21 or not?

22 CHAIRMAN HAGGERTY: Is there a second?

23 MR. FONTECCHIO: Second.

24 MR. MARTIN: Okay. Okay. So, again,

1 with my staff report, kind of gave you as a matter of
2 fact was the two standards that I at least thought could
3 be applied to this application, and quite frankly, could
4 be applied in an approval or a denial. So that was --
5 that's Standard 7.

6 MS. GARNER: Jason, if I could just --
7 I'm sorry to jump back to that prior question.

8 MR. MARTIN: No, absolutely.

9 MS. GARNER: The law says, "In the
10 absence of a change in the structure arising from
11 casualty, no new application for the same or similar
12 work shall be filed within one year after the
13 rejection." The same or similar work.

14 So, I would think a material change, a material
15 alteration, they could submit a new application.

16 MR. SANDERSON: I'm sorry. They could
17 do what?

18 MS. GARNER: They could submit a new
19 application.

20 MR. SANDERSON: Oh, they could submit a
21 new application.

22 MS. GARNER: Yes. I'm sorry.

23 MR. MARTIN: No, it's no problem. So I
24 was -- I at least kind of directed you to, to Standards

1 7 and 8. I guess if you were making a motion to deny, I
2 would say that the application is considered complete
3 for conceptual review. That 118-126 Benevolent Street
4 are currently vacant parcels with approximately 16,427
5 square feet in the R-1 zone, within the Power-Cooke
6 local Historic District, and the Power-Cooke Streets
7 National Register Historic District.

8 The Commission is denying conceptual approval of
9 the new construction siting Standard 8, having
10 determined that the proposed construction is
11 architecturally, historically incompatible with the
12 property district having an inappropriate size, scale
13 and form that will have an adverse effect on a property
14 district.

15 MR. SANDERSON: And is incongruous with
16 the surrounding historic structure.

17 MR. MARTIN: Citing that these
18 structures are incompatible in size, scale, and form,
19 inappropriate with the adjoining area, as well as the
20 historic district and neighborhood. Their general scale
21 and form are familiar and repeated throughout the area
22 in various line languages, from the Federal to the early
23 20th century. However, in the Power-Cooke Street area,
24 there are no buildings built of repetitive design of

1 with little to no variation between them, making the
2 proposed construction incongruous and inappropriate to
3 the district producing an adverse effect. Additionally,
4 Standard 7 states that where architectural -- I'm sorry.
5 Where historical, architectural or site features are
6 determined by the Commission to contribute to the
7 historic character of the property or the district,
8 proposed alterations or additions affecting such
9 features shall be reviewed more stringently. We have
10 --you have heard expert testimony from the City Arborist
11 and a recognized expert witness who agreed that the
12 adjoining trees, both significant trees and mature
13 trees, would be, in their opinion, irreparably harmed
14 with the current proposal, which would also produce an
15 adverse effect on the district.

16 MR. SANDERSON: And I think we should
17 add to that last line, something to the Commission
18 recognizes that the district is characterized by
19 vegetated yards and tree canopy. And then the rest of
20 your words.

21 MR. MARTIN: Okay.

22 MR. SANDERSON: Excellent motion.

23 CHAIRMAN HAGGERTY: So that constitutes
24 the motion. We will have the vote. All in favor,

1 please say aye.

2 MR. SANDERSON: Aye.

3 MR. FONTECCHIO: Aye.

4 MR. KAPLAN: Aye.

5 MS. DOTSON: Aye.

6 CHAIRMAN HAGGERTY: All opposed. I'm a
7 nay.

8 MR. KAPLAN: You're opposed?

9 MR. MARTIN: You're sure, Neal?

10 MR. KAPLAN: This is proposing
11 conceptual approval?

12 CHAIRMAN HAGGERTY: Correct.

13 MR. KAPLAN: Okay.

14 MR. MARTIN: So you're a --

15 MR. SANDERSON: Well, let me --

16 (inaudible) opposing the project, you're opposing the
17 motion. The motion is to deny approval.

18 CHAIRMAN HAGGERTY: That's right.

19 MR. KAPLAN: (Inaudible) deny approval.

20 CHAIRMAN HAGGERTY: Okay.

21 MR. MARTIN: So you're a yes?

22 MR. KAPLAN: Yes.

23 CHAIRMAN HAGGERTY: Okay.

24 MR. MARTIN: So, we have yes, yes, yes,

1 yes, no.

2 CHAIRMAN HAGGERTY: Correct.

3 MR. MARTIN: For the record, that was
4 Mr. Sanderson, Vice Chair made the motion.

5 MR. SANDERSON: And Neal seconded it.

6 MR. MARTIN: Neal seconded it.

7 CHAIRMAN HAGGERTY: Neal seconded it.

8 Right, right.

9 MR. MARTIN: Neal seconded it. And
10 Sanderson, Kaplan, Fontecchio, and Dotson voted yes.
11 And Haggerty, Mr. Chair, voted no. Okay. Motion --

12 CHAIRMAN HAGGERTY: Motion for the
13 fails?

14 MR. MARTIN: No.

15 CHAIRMAN HAGGERTY: Motion has been
16 voted down?

17 MR. MARTIN: Well, the application has
18 been denied.

19 CHAIRMAN HAGGERTY: Okay. Denied.
20 Okay. Understanding that was the sole matter before the
21 Board this evening. Is there a motion to adjourn?

22 MR. KAPLAN: So moved.

23 CHAIRMAN HAGGERTY: Is there a second?

24 MR. FONTECCHIO: Second.

1 CHAIRMAN HAGGERTY: All in favor?

2 MR. KAPLAN: Aye.

3 MR. FONTECCHIO: Aye.

4 MR. SANDERSON: Aye.

5 CHAIRMAN HAGGERTY: Aye.

6 MS. DOTSON: Aye.

7 CHAIRMAN HAGGERTY: Thank you,

8 everybody.

9 MR. SANDERSON: Thank you.

10 CHAIRMAN HAGGERTY: Appreciate your

11 time.

12 (HEARING CONCLUDED AT 6:17 P.M.)

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C E R T I F I C A T E

I, Kaylee St. Pierre, hereby certify that the foregoing pages are a true and accurate record of my transcription from a tape-recorded proceeding.

In witness whereof, I hereby set my hand this 23rd day of October, 2024.



KAYLEE A. ST. PIERRE

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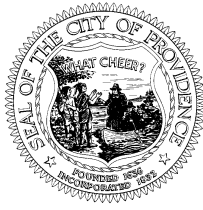
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EXHIBIT F



Providence Historic District Commission

Brett P. Smiley
Mayor

October 3, 2024

APPLICANT
KITE Architects
One Central Street
Providence, RI 02907

OWNERS
Cooke Twenty-Five Realty
42 W 39th Street
New York, NY 10018

RESOLUTION 24-35
Application 24.079

WHEREAS, the applicant, KITE Architects, applied to the Providence Historic District Commission for a Certificate of Appropriateness for New Construction at 118-126 Benevolent Street, Plat 13, Lots 318 & 319, and,

WHEREAS, the Commission held a properly noticed Special Meeting on September 4, 2024, with the following members present: Haggerty, Sanderson, Dotson, Fontecchio, and Kaplan; and

WHEREAS, Ms. Christine West, applicant/architect, and Mr. Andrew Doyle, architect, appeared before the Commission for the scheduled item; and

WHEREAS, the Commission members individually viewed the site which is the subject of the application; and,

WHEREAS, based upon the evidence presented and in the record, the Commission made the following findings of fact:

1. 118-126 Benevolent Street currently are vacant lots within the Power-Cooke local historic district.
2. The work as proposed consists of New Construction and includes the construction of three single-family residences with detached garages.
3. The application for New Construction is considered complete for conceptual review.
4. The application was initially reviewed at the July 22, 2024 Regular Meeting, where members expressed reservations regarding the appropriateness of the proposed three buildings, as opposed to two buildings. The response given by the applicant was that the requested approval is for three buildings, not two, emphasizing that the proposed plan is compliant with applicable zoning regulations.¹ After discussion, the item was continued by the Commission to its August 26, 2024 Regular Meeting in order to obtain additional information from the applicant related to scale, massing, and form of the proposed and existing buildings in the area. More specifically, the Commission requested massing studies of the proposed buildings in context with the immediate area, including streetscapes of the proposed construction for the north and south sides of Benevolent Street between Cooke and Governor Streets.

¹ Accepting for purposes of this resolution the applicant's representation that the project is compliant with current zoning regulations, the Commission's review as to the appropriateness of New Construction in a historic district is separate from compliance with the use and dimensional requirements in the zoning ordinance.

5. The Commission was notified by the City Forester by letter dated August 23, 2024 that the abutting property to the north, 253 George Street, contained a significant tree whose tree protection zone and critical root zone would be impacted by the location of the proposed construction in the application, specifically the detached garage for the western-most proposed residence. The applicant was made aware of this finding and requested a continuance to revise the application to relocate the subject garage outside of the critical root zone, which constitutes a material change to the original application. The Commission re-scheduled the matter from the August 26, 2024 Regular Meeting to a September 4, 2024 Special Meeting, allowing for the revised application to be disseminated and evaluated by the Commission.
6. On August 30, 2024, the Commission received further correspondence from the City Forester regarding the trees on the parcel abutting to the west of the proposed development (112 Benevolent Street). In his second letter the City Forester stated that while there are no significant trees on the parcel as defined by City Zoning Ordinance, there are six mature Atlas trees, that the trees are impactful features of the private property providing approximately 6,000 sf of canopy coverage, and that the tree protection zone and critical root zone of these trees extend into the property of 118-126 Benevolent Street. The revised plan for 118-126 Benevolent Street proposes a driveway within the critical root zone and a structure within the tree protection zone of the Atlas trees. The City Forester indicated that the application as proposed has the potential and likelihood of leading to the irreversible decline of the trees at 112 Benevolent Street and consequently removing a substantial portion of valuable canopy coverage. The City Forester also stated that regarding the significant tree located on the abutting property of 253 George Street, the revised plan for 118-126 Benevolent Street, consisting of moving the garage structure and driveway out of the critical root zone, was acceptable; however, the grade changes and soil compaction during construction within the significant tree's tree protection zone may have detrimental effects on this significant tree.
7. At the September 4, 2024 Special Meeting, the applicant provided testimony and presented the revised application. The application as revised was largely similar to what was presented on July 22, 2024 but for the material change mentioned above—the relocation and reorientation of the detached garage for the proposed residence located on the western-most side of the property to accommodate the critical root zone of the significant tree located at 253 George Street. Otherwise, despite the Commission's prior concerns related to three buildings, versus two, the applicant continued to request approval of three residential buildings with accompanying detached garages. The buildings' design did not change in any impactful way except for the relocation of the western most garage to accommodate the abutting significant tree. However, the relocation of this garage compromises proposed "A-B-A" design of the new construction (discussed in paragraph #11, below) in that the garages are no longer uniform in location and distance from their respective buildings.
8. At the September 4, 2024 Special Meeting, expert testimony and a written report regarding the trees at the subject property as well as abutting properties was provided to the Commission by Mr. David Schwartz, a licensed Rhode Island arborist retained by an abutting property owner in objection to the application. Schwartz agreed with and confirmed the City Forester's conclusions.
9. At the September 4, 2024 Special Meeting, the Commission heard expert testimony from Mr. Jon-Paul Couture, a licensed architect and former member of the Commission, who, in his professional opinion, opined that the proposed design is incompatible with the neighborhood. He stated that there is no example in the area of three houses being built at the same time, of nearly identical massing in a row with minor staggering, or with three identical garages that are detached from the structure. He stated that detached garages are unusual in the neighborhood and submitted an image showing lot sizes that was introduced into the record.
10. At the September 4, 2024 meeting, the applicant was given the opportunity to continue the meeting, to allow for further dialog with abutters. Multiple requests had been made through the public comment process from abutters, the Rhode Island Historical Society, and Councilman Gonzalves, Ward 1, to continue the application to allow for more discussion between the various parties. The applicant denied the request.

11. After robust and extensive discussion, the Commission determined that the proposed New Construction plans are incongruous with the surrounding historic district, including surrounding structures and their appurtenances. The design of the three proposed structures has been referred to as an “A-B-A” design, meaning the two flanking residences are identical and the middle residence is a close design variation of the other two. The concept of this design structure is that from certain angles the three properties potentially would appear to be one larger structure rather than three separate structures. During the September 4, 2024 Special Meeting, however, it was disclosed that there is a change in elevation of ten (10) feet east to west on the parcels. Based on this elevation change and well as the relocation of one of the garages, the Commission found that the architectural success of the “A-B-A” design was less apparent.
12. The Commission indicated that while the garages are not highly visible from the public right of way, they still have an impact on site features of the property and neighboring properties as six structures are included in the proposed development, not just three. The Commission recognized that this is not a proposal for one new house. The Commission might look at a proposal for one house and look at its individual design and site features. This, however, is a three-house development, and thus the impact of the development as a whole is of concern rather than the specifics of each individual building when thinking about conceptual approval based on mass, scale, and design.
13. Commissioners were struck at the June 22, 2024 Regular Meeting at the degree to which the three buildings as a unit are inconsistent with the architectural character of the district as a whole. This is a district that is characterized by an eclectic architectural language with buildings of varying sizes. In looking at the particular block where the property is situated, there is one small existing house and a few very large houses at the end of the street. There is not a consistent pattern of either large or small houses. Part of what makes this development stand apart from the character of the district as a whole is the very symmetrical, very rigid uniformity of three buildings in a line, and, as was pointed out in testimony, that is not duplicated anywhere in this district. In fact, on the block where this parcel is located, there are no buildings with gable roofs that are flanked to the street, which all three of the proposed buildings have. All of the buildings in the surrounding area have a different form. Although the idea of having a flat, gable flank to the street and a symmetrical facade appears in some historic districts as a frequent building type, it does not appear in this district as a frequent building type at all, except on Power Street. The Commission determined that the proposed construction does not relate well either to nearby buildings on the street where it is located or within the district as a whole.
14. With regard to questions about landscape, it does not appear that there are designated historic landscapes within the district; however, there are gardens and significant and mature trees that contribute to the general character and context of the area. The vegetated yards and tree canopy can and should be considered as part of the context when determining appropriateness for the area and the setting for the three proposed new buildings. There was concern that the Altas trees at 112 Benevolent Street are arguably a historic intervention by someone who made a specific decision when those trees were planted. The National Register of Historic places make a distinction between designated landscapes and landscape settings for buildings, and altering the setting of a building can affect the character of the historic structure itself. Thus, the project as presented is not in keeping with the historic district.
15. While the lot is certainly buildable, and an appropriately designed building(s) would be an improvement to the vacant lot, this application with these three proposed structures is incompatible. The Commission is of the opinion that a redesign project for two buildings would have greater design flexibility and might be more compatible with the scale of the historic district. Such redesign could include architectural treatments for more individualized buildings that might vary in roof design, window design, and building floor plan, that might use a variety of building materials, and that might not duplicate design details. A redesign with changes such as these could help establish visual relationships between the new buildings and the historic buildings that characterize the district as a whole.

16. The Commission finds that the new construction as proposed is not in accord with PHDC Standards 7 & 8 as follows: the proposed construction is architecturally, historically incompatible with the district having an inappropriate size, scale, and form that will have an adverse effect and is incongruous with the surrounding historic district being incompatible in size, scale, and form, inappropriate with the adjoining area, as well as the historic district and neighborhood. The general scale and form of structures and appurtenances in the district are familiar, repeated throughout the area in various architectural languages, from the Federal to the early 20th century. However, in the Power-Cooke Street area surrounding the subject property, there are no buildings built of repetitive design, with little to no variation between them, making the proposed new construction incongruous and inappropriate to the district, producing an adverse effect (Standard 8). Where historical, architectural, or site features are determined by the Commission to contribute to the historic character of the property or the district, proposed alterations or additions affecting such features shall be reviewed more stringently (Standard 7). The Commission recognizes that the district is characterized by vegetated yards and tree canopy and heard expert testimony from the City Forester and an arborist, recognized as an expert witness, who agree that the adjoining trees, both significant and mature trees, would be in their opinion, irreparably harmed by the current proposal, which would produce an adverse effect on the district.
17. In summary, for the reasons discussed at the meeting held on this application and herein, the proposed New Construction design fails to meet the considerations in R.I. General Laws § 45-24.1-4(d) as well as PHDC Standards and Guidelines for being congruent with the historic architectural character of the district.

WHEREAS, based upon the above findings of fact, the Commission determined that the New Construction as submitted by the applicant is inappropriate. Upon motion made by Mr. Sanderson, seconded by Mr. Kaplan, the Commission voted (4 to 1, Members Sanderson, Fontecchio, Dotson, and Kaplan in favor, Member Haggerty opposed) to deny conceptual approval of the proposal as submitted citing Standards 7 & 8, that the proposed construction is architecturally, historically incompatible with the district having an inappropriate size, scale, and form that will have an adverse effect, and is incongruous with the surrounding historic district being incompatible in size, scale, and form, inappropriate with the adjoining area, as well as the historic district and neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the application for New Construction as described in the above findings of fact **IS DENIED**. Parties wishing to appeal a decision made by the Commission have 20 days from the date of the resolution to file an appeal with the Zoning Board of Review.



Ryan Haggerty
Chair