



Town of North Kingstown, Rhode Island

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NORTH KINGSTOWN HISTORIC DISTRICT COMMISSION

June 4, 2018

The North Kingstown Historic District Commission convened in the Municipal Offices Court Room, 100 Fairway Dr., North Kingstown, RI

The following members were present:

Wayne Trissler (Alternate)
Gail Hallock Cyr
James Shriner
Andrew Correia
Stacey Elliott

Ms. Goldberger was excused. Ms. Cyr was late.

Shaun Lacey, AICP, Principal Planner, was present as staff liaison.

Certificate of Appropriateness: 25 Pleasant Street, AP 117 Lot 132, zoned Village Residential Historic (VRH). Alterations/Minor Modifications application - Request to install two air condensing units on a single-family residential property.

Certificate of Appropriateness: 25 Pleasant Street, AP 117 Lot 132, zoned Village Residential Historic (VRH). Alterations/Minor Modifications application – Request to replace railings and stairs on a single-family residential property.

Certificate of Appropriateness: 25 Pleasant Street, AP 117 Lot 132, zoned Village Residential Historic (VRH). Site Improvements application – Request to replace an existing front yard walkway and install a new patio at the rear of a single-family residential property.

Certificate of Appropriateness: 25 Pleasant Street, AP 117 Lot 132, zoned Village Residential Historic (VRH). Site Improvements application – Request to install a new driveway on a single-family residential property.

Mr. Shriner asked Commission members if they had any questions or comments about the decision drafts for 25 Pleasant Street that were included in their agenda packets.

There was no comment or questions, so Mr. Shriner signed the certificates of appropriateness.

Mr. Shriner told the Commission he was switching the order of the agenda items. The Waxman application would be heard first; the Porter application second and his own third.

Site Improvements: Application of Paul & Cynthia Waxman, 115 West Main Street, North Kingstown, RI 02852 for patio, walkway, staircase and lattice improvements located at 115 West Main Street, AP 118 Lot 31, zoned Village Residential Historic (VRH).

Mr. Phil Dyer came forward and was sworn in; he is representing Mr. and Mrs. Waxman for this project.

Mr. Dyer told the Commission that the Waxman's would like to add a patio to the rear of their house. The patio would consist of approximately 340 sq. ft. of bluestone along with a fieldstone wall surrounding it (20" high x 20" wide). They would also like to replace their concrete walkways with Boston City Hall brick. There are existing wooden steps to the house; they would like to replace them with fieldstone risers and bluestone treads. A lattice screen will be added at right angles to the side of the house.

Mr. Trissler asked if these projects will be out of the public eye.

Mr. Dyer said yes – the driveway is not a part of this project (the site plan shows a changed driveway profile); but at this time the plan also includes adding more plantings, putting these improvements further out of public view.

Mr. Dyer informed the Commission that the wall is proposed as fieldstone, but some concrete may be used to be sure the wall is secure; the concrete will not in any way be visible.

With no further questions from the Commission, Mr. Shriner asked to open the meeting to public comment.

Mr. Correia motioned. Ms. Elliott seconded. All voted aye.

There was no public comment.

Mr. Correia moved to close the meeting to public comment. Ms. Elliott seconded. All voted aye.

Mr. Shriner asked if someone cared to make a motion.

Mr. Correia moved to accept the application as presented. The proposed materials are appropriate for the village. The brick will be a great improvement over the existing concrete walkways. The patio will not be visible from the street.

Mr. Trissler seconded. All voted aye. The application was approved.

Site Improvements: Application of Robin Porter & Marsue Harris, 99 Main Street, North Kingstown, RI 02852 to replace a fence located at 99 Main Street, AP 117 Lot 237, zoned Village Residential Historic (VRH).

Ms. Cyr came in.

Mr. Robin Porter and Ms. Marsue Harris came forward and were sworn in.

Ms. Harris explained that they were before the Commission because a stop work order had been issued for a fence they were replacing without the approval of this Commission. She apologized, saying that she did not think approval was needed.

Ms. Harris said they have lived at the home for 30 years and have done extensive work to the house and grounds. The property has more fencing than any other property in Wickford (7 runs). The existing fence was replaced, rebuilt and re-designed about 10 years ago. Vandalism and time has caused harm to the fence. She said that there has been lots of patching through the years.

Mr. Porter commented that the vandalism was probably caused by young folks waiting at a school bus stop.

Ms. Harris continued saying that after exploring options for replacement and/or repairs, it was determined a replacement was in order; to install a fence like the existing one would be entirely too expensive and was in fact a faultily manufactured design. She and her husband went to Walpole Woodwork to see about replacing the fence (as is); the estimate was \$17,000.00-which is entirely too much; she added that the people at Walpole Woodworkers also told her that the design and type of existing fence invited water into the structure, which cause it to decay more quickly, replacing the fence as is was out of reach for these reasons. She and her husband did research on what type of fence would work for them as well as the village. The proposed fence was the most reasonable choice.

Ms. Harris gave a description of their proposal; they would replace 100' of their fence along Main St. The replacement fence would be white cedar pickets with pressure treated wood posts. The height of the new fence will be the same as the existing (44"). The caps and hardware would remain the same. She said she has hired a contractor who is experienced and meticulous. Ms. Harris provided several photos of similar existing fences in the District. She hopes to obtain a blessing to continue with this project.

Ms. Harris said that the fence is much needed to keep the dogs in the yard.

Mr. Porter added that they need a fence to protect their dogs; he said there actually had been a coyote attack on their property.

Ms. Cyr said that the situation is sad. She wishes the Porter's had come to the Commission first.

The Porter's say it was not intentional. As they are aging they are becoming increasingly unable to maintain and manage all aspects of the property upkeep. The added that they have always abided by the rules and regulations of this Commission in the past; they just looked at this as a replacement in kind.

Mr. Shriner noted this fence absolutely bears no resemblance with the fence being replaced. It is not a like in kind project. He finds their presentation tonight as disingenuous.

Mr. Porter said that the guidelines speak of "like in kind" not resemblance.

Ms. Harris is not happy with the comment made by the chairman about being disingenuous. They have been active and involved with all aspects of the town for all 40 years they have lived here.

Mr. Shriner commented that he is not trying to make this situation personal but as bastions of the Historic District Commission; you personally lectured me on the existence and importance of this Commission when I moved into the community. He would think that the Porter's would have come to the Board to ascertain whether this proposal would be possible.

Ms. Harris wanted it noted that the chair's comment just made it personal. We had good intentions with our plan; Mr. Porter and I need not apologize to anyone for our participation in this community for the last 40 years.

Ms. Cyr said she wanted to point out that this is not "likeness in kind". The Secretary of the Interior's guidelines note recommended and not recommended repairs and replacements. She read:

Recommended:

Repairing historic site features which have been damaged, are deteriorated, or have missing components:

Re-establish the whole feature and to ensure retention or the integrity of the historical materials. Repairs may include limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of the site features when there are surviving prototypes, such as paving, railings, or individual plants within a group (e.g., a hedge). Repairs should be physically and visually compatible.

Not Recommended:

Removing materials and features that could be repaired or using improper repair techniques.

Replacing an entire feature of the site (such as a fence, walkway, or drive) when repair of materials and limited replacement of deteriorating or missing components are feasible.

She continued:

Recommended:

Replacing in kind an entire feature or the site that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include a walkway or a fountain,

a land form, or plant material. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

Not Recommended:

Removing a character-defining feature of the site that is unrepairable and not replacing it or replacing it with a new feature that does not match.

Using a substitute material for the replacement that does not convey the same appearance of the surviving site feature or that is physically or ecologically incompatible.

Ms. Harris asked Ms. Cyr if her interpretation of this is that the fence must be repaired or replaced exactly as it is; or, not replaced at all.

Ms. Cyr answered yes. She said that the Porter's fence is highly visible and, in her opinion, quite unique and beautiful. It is a character defining feature of the street and village.

Mr. Shriner added that it says in the Secretary's Guidelines introductory:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Mr. Shriner said that one of the village's characteristics is that it has multiple of touches and textures; however, there are already six fences along Main St. like the Porter's, three which are imperiled. This makes this proposal as precedent setting; if allowed, these fences will homogenize the fences along the street.

Ms. Harris said that her choice of a picketed fence would fit within the village feel. She said there have been many changes of all kinds in the village. If the other residences with these old fences have been hesitant to make repairs, it is because of the expense to do so. She reminded the Commission that they are senior citizens on a limited income. She said that Mr. Shriner is making this personal because of something her husband said to him years ago about the workings of the Historic District Commission.

Mr. Correia gets them back on track; he said there is an application for a fence before them; the fence is partially up. He said that the fence being installed is an attractive wooden fence; however, it is not a "like in kind" replacement. The Commission should deal with these facts. The partially installed fence is an improvement over what was there; there a many types and styles of fences surrounding this property-it would be beneficial to have uniformity. The Historic District Commission understands that the application is late in coming but let's look at the facts and come to a reasonable resolution.

Ms. Cyr spoke about the pressure this (the installation that is already started) puts on the Commission. She does not know what to do with this. An approval will set a precedent.

Mr. Shriner pointed out that if the applicant had come to the Commission prior to the installation, this style of fence would probably not have been accepted. If the Commission allows this installation to continue the Commission will have to allow it when other residents come before them to replace fences, in other words the horse will be out of the barn.

Ms. Harris mentions that replacements will be nicer and better than the failing damaged fences they represent. An improvement.

Mr. Correia again brings up positives. The fence is made of cedar, it is an improvement over the deteriorated one it is replacing.

Mr. Shriner granted that the proposed fence is better than the deteriorated one; it is however not an improvement of what it could have been replaced with if the Commission had had the opportunity to weigh in.

Mrs. Porter said that she believes that this proposal meets the law (requirements).

Ms. Cyr is mourning the loss of this one of a kind fence.

Mr. Porter talks about the steps he and his wife took to decide on this type of fence. It was a decision they took very carefully. This proposed design is acceptable as to the village character.

Ms. Harris added that she and Mr. Porter in no means meant to offend any Commission members or neighbors; they simply believed they were replacing a fence in kind. The design is appropriate for village character and made of wood.

Mr. Correia commented that of course Mr. Porter and Ms. Harris weren't trying to pull a fast one – they live on Main St.; the fence is in full view.

Mr. Trissler asked if there are any remnants of the old fence left in place at this point.

Mr. Porter said that the old fence is still standing on one side of the property; the new is on the other side.

Mr. Trissler suggested saving a portion of the old fence or if too damaged, replacing it with an actual “in kind” scheme to serve as a prototype or example of what was, this could be used at a time when there is need to replace the fence in the future. This would serve as a record or history of the site.

Mr. Shriner said he feels if we lose this fence we will lose the historic value of three other fences within 1 to 2 years.

Mrs. Porter tells Mr. Shriner he cannot look at this project based on what may happen with other properties.

Mr. Shriner then called to open the meeting to public comment.

Ms. Cyr moved. Mr. Correia seconded.

Mr. Bryson Hall commented that there are building products that could be used to make a longer lasting fence. He used a special pine at a property he used to own at 30 Brown St.; the fence is still standing after 30 years and shows no signs of rot.

Mr. Porter said the fence they are replacing is 40 years old. They did not find this special pine – they found cedar – a recommended material for fences.

Mr. Hall said he just wanted to share his experience. He replaced the fence “in kind” due to its uniqueness in the historic village.

Mr. Ted Green stood, he said he has been before Commission before - been approved, been denied. He has asked the Commission to look at his fence and weigh in on replacing. He replaced his side fence a little while ago; at the time, he asked the Commission for an informal site visit to determine whether his plan for the replacement was in fact a “like in kind”. He said that the Porter’s fence design (old) fits to the nature of the street. It is unfortunate to watch it slowly whittle away. If the Commission allows the Porter’s to move forward with this project – what does that say to residents like Mr. Hall who have put research, money and other resources into protecting the integrity of Wickford. He said perhaps there is a compromise, perhaps some leverage can be taken with replacement materials to retain history. The Porters should investigate different solutions before deciding to move forward.

Mr. Shriner then asked for a motion to close the meeting to public

Ms. Cyr moved. Mr. Trissler seconded. All voted aye.

Ms. Harris asked to speak again. She repeated that she is as far financially into this as she can go, if this proposal is refused there will be no fence. She said we are senior citizens, with limited resources – is this how the Commission looks upon senior citizens?

Mr. Correia pointed out to the Commission there is a human factor here that needs consideration. The fence is proposed wood (cedar) and will be an improvement. Is the plan an exact replica – no; will it set a precedent – he does not know.

Mr. Shriner said that it will set precedent.

Mr. Correia asked what if fences come down and they don’t come back up. That is another precedent that might be set. Village character will be lost with that also.

Mr. Trissler noted that if this is appealed it could be taken out of this Commission’s hand – the Zoning Board may decide against what the Commission finds acceptable; it would be in the Commission’s interest to meet in the middle. He raises the idea of compromise again. Saving some of the fence could be agreeable.

Ms. Harris says that the entire fence is already built and stored in their garage. She sees nothing salvageable about any part of the old fence.

Mr. Green asked to speak again. He said that this will probably be approved on appeal but if the Commission approves it, it will become a precedent.

Mr. Shriner said that this proposal is not in conformance with guidelines. It will set a precedent.

Ms. Harris said there have been plenty of changes made in Wickford through the years.

Mr. Porter said the Commission has left us no option but to go to the Zoning Board.

With that, Mr. Shriner called for a motion.

Ms. Cyr motioned to deny the new fence because this proposal does not follow the Secretary of the Interior's Guidelines and Standards; specifically: the proposed repairing and replacing the fence "like in kind" does not use the physical evidence of the existing as a model to reproduce the feature; it is proposed with a different shape, picket and style. This is a very prominent fence on Main St. which helps define the character of Main St.; if this new fence is put in which differs in that it has a square top and square pickets instead of the round, this character defining feature is lost. She cited The Secretary of the Interior's Standards for the Treatment of Historic Properties "Building Site"; pages 140-141:

Recommended:

Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to site features, will be necessary.

Repairing historic site features which have been damaged, are deteriorated, or have missing components order reestablish the whole feature and to ensure retention or the integrity of the historic materials. Repairs may include limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of site features when there are surviving prototypes, such as paving, railings, or individual plants within a group. Repair should be physically and visually compatible.

Replacing in kind an entire feature of the site that is too deteriorated to repair (if overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include a walkway or a fountain, a land form, or plant material. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

Not Recommended:

Failing to undertake adequate measures to ensure the protection of the site.

Removing materials and features that could be repaired or using improper repair techniques.

Replacing an entire feature of the site (such as a fence, walkway, or drive) when repair of materials and limited replacement of deteriorated, or missing components are feasible.

Removing a character-defining feature of the site that is unrepairable and not replacing it or replacing with a new feature that does not match.

Using a substitute material for the replacement that does not convey the same appearance of the surviving site feature or that is physically or ecologically incompatible.

Adding conjectural landscape features to the site (such as period reproduction light fixtures, fences, fountains, or vegetation) that are historically inappropriate, thereby creating an inaccurate appearance of the site.

She also cited the Introduction to Standards – paragraph 6 (found on the North Kingstown website):

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Mr. Trissler seconded. Mr. Shriner, Ms. Cyr, Mr. Trissler and Ms. Elliot voted aye. Mr. Correia voted nay. The application was denied with a vote of 4-1.

Mr. Lacey interjects at this point. He told the Porter's their options: they are: they can replace the fence in kind (material size and style); they can remove the fence and not replace it; they can appeal the decision through the Zoning Board of Appeals.

New construction: Application of James Shriner, 59 Washington Street, North Kingstown, RI 02852 for a proposed rear yard shed located at 59 Washington Street, AP 117 Lot 239, zoned Village Residential Historic (VRH) (continued from May 7, 2018).

Mr. Shriner recused himself from the Commission for this agenda item. He is the applicant.

Mr. Shriner came forward and was sworn in. He said there is an existing 8'x10' shed with an attached pergola on his property that has deteriorated to the point it is not economically repairable. He is looking to replace the shed with a virtually identical replacement saltbox shaped shed from Nantucket Sheds; he would like to increase the size to 10'x12' for additional storage.

He said he currently has a two-car garage that you can't fit a car in to which represents a flood risk to the basement which he is going to eliminate.

He would also like to install an outdoor shower on the south end of the shed where the current pergola is and will enclose it with vertical barn board to match the new shed and the existing fence. The shower will be well shielded from the street side with a thick row of privet and other growth in addition to the existing fence.

The shed and shower will be all wood construction including the shed window which has to be special ordered as they are using composite windows with the standard product. The shed will be aligned so the east side is a minimum of 10' from the property line as is the existing shed. He said he is having the property surveyed to ensure proper placement.

Ms. Cyr called to open the meeting to public comment. Mr. Correia moved. Mr. Trissler seconded.

It was noted that there was no public in attendance to comment.

Mr. Correia moved to close the meeting to public comment. Mr. Trissler seconded. All voted aye.

With no further discussion, Ms. Cyr called for a motion.

Mr. Trissler moved to accept the application as presented. The proposed shed matches the existing shed in materials and design; and is mostly out of view. Improvements to the outdoor shower, etc. are all not visible from the street.

Mr. Correia seconded. All voted aye. The motion carried.

Adjournment

Mr. Shriner re-joined the meeting; he entertained a motion to adjourn.

Mr. Correia moved. Mr. Trissler seconded. All voted aye. The meeting was adjourned at 7:45PM.

Beth Gagnon-Glasberg
Recording Secretary