



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
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MINUTES
RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION
January 10, 2018

I. MEMBERS PRESENT

Mr. Michael Abbott, AIA
Mr. Warren Ducharme, representing the State Building Code Commissioner
Dr. Tripp Evans
Dr. Morgan Grefe
Ms. Tanya Kelley
Dr. E. Pierre Morenon
Mr. Clark Schoettle
Ms. Lucie Searle
Ms. Ruth Taylor
Vacant

MEMBERS ABSENT

Ms. Janet Coit, Director, DEM
Mr. Kevin Nelson, representing the Associate Director of the Division of Planning
Mr. Jesse Saglio, President, Rhode Island Commerce Corporation
Mr. Edward F. Sanderson, State Historic Preservation Officer
Mr. John Smith

STAFF PRESENT

Ms. Rosemary Carreiro, Fiscal Aide
Ms. Joanna Doherty, Principal Architectural Historian
Mr. Jeffrey Emidy, Acting Executive Director/Deputy Director
Ms. Virginia Hesse, Principal Historical Architect
Ms. Michaela Jergensen, Senior Reviewer RIDOT Projects
Mr. Glenn Modica, Senior Project Review Coordinator
Ms. Elizabeth Warburton, Senior Architectural Historian
Ms. Sarah Zurier, Principal Special Projects Coordinator

GUESTS

Bob Azar, Deputy Director, Providence Department of Planning & Development
Dan Baudoin, re: Canal Street project

Zach Darrow, Darrow Everett, attorneys for Canal Street Project
Christopher Ise, Providence Dept. of Planning & Development, re: Canal Street project
Matthew McCarty, Providence Preservation Society
Jon Restivo, Darrow Everett, attorneys for Canal Street project
Rachel Robinson, Providence Preservation Society
Mike Sears, Vision Architects
Michael Viveiros, DBVW Architects, Canal Street Project
Martha Werenfels, DBVW Architects, Canal Street Project
Marlene Yang, re: Canal Street Project

II. AGENDA

1. Call to Order

The meeting was called to order at 9:40 A.M., Ms. Taylor, Chair, presiding.

2. Minutes of December 13, 2017

On a motion by Mr. Abbott, seconded by Dr. Grefe, the Commission unanimously

VOTED to approve the Minutes of December 13, 2017. Mr. Ducharme abstained.

3. Acting Executive Director's Report

- a) Mr. Emidy introduced Warren Ducharme, Staff Architect for the State Building Code Commission. Mr. Ducharme has been appointed by State Building Code Commissioner John Leyden as his representative to the Commission.
- b) Mr. Emidy reported that the announcement ceremony for the 2017 State Preservation Grants was held at the Newport Art Museum's Griswold House on January 9th. RISCA and the RIHPHC awarded their grants that are part of the Creative and Cultural Economy Bonds that were approved in 2014. Over 200 people attended the ceremony, where the RIHPHC awarded 20 grants. Some of our Commissioners attended.
- c) Mr. Emidy reported on the federal Historic Preservation Tax Credit, stating that the U.S. Senate voted to continue with an altered version of the program. The credit stays at 20 percent of eligible costs, but will be spread over five years. This

represents a net decrease in the amount of the credit. We are waiting to hear about rules associated with the revised program.

4. Consideration of easement applications for 3, 5-7, and 9 Steeple Street.

Mr. Schoettle recused himself from the deliberation.

Mr. Emidy presented information that the Commission has received applications to accept easements on three properties: 3 Steeple Street, 5-7 Steeple Street, and 9 Steeple Street, all in Providence.

The building at 3 Steeple Street has been said in the past to have been constructed circa 1793 and to be the oldest industrial-related building in Providence and second oldest in the state. More recent research, however, has pointed to a construction date of 1827. The building, known as Congdon & Carpenter, was owned (or built) by Joseph Congdon to house his hardware and iron supply store. 5-7 Steeple Street was constructed between 1828 and 1832 as an addition to the Congdon & Carpenter building. The space was occupied early on by Welcome Arnold and Peleg Howland, who were hardware dealers. 9 Steeple Street was constructed circa 1847 for George and Owen Smith, who were silversmiths.

Mr. Emidy explained that the Commission is being asked to accept an easement on 5-7 Steeple Street to facilitate the transfer of development rights (TDR) from that building to a proposed new building on the adjacent parcel. This procedure, established in the Providence Zoning Ordinance, allows “bonus” development height as a result of a transfer from a historic building, as long as the Commission accepts an easement on the historic building. The easements being offered for 3 and 9 Steeple Street are not required for the TDR.

Mr. Emidy explained that, on the base level, the staff and the Commission are charged with protecting historic resources: in this case, the Steeple Street building, the streetscape along South/North Main Street, and the streetscape along Thomas/Steeple Street. The National Historic Landmark First Baptist Church is diagonally across the intersection from the development parcel, and the National Historic Landmark Fleur de Lis building is just up the hill. While the College Hill National Historic Landmark District does not include these parcels, it is just across North Main Street. This is an area with a high degree of historical significance. The new building needs to be compatible with the buildings around it, those on Steeple, South/North Main, and Thomas Streets. Compatibility is a function of size, scale, massing, and materials.

Mr. Emidy stated that the staff will review the new construction under the Coastal Resources Management Council review procedures, however, that is not considered to be a strong review. Essentially, CRMC asks for our approval to grant a CRMC permit and our concerns are in their hands. The Providence Downtown Design Review Committee (DDRC) is also reviewing this. While they, too are charged with protecting historic structures, we are not sure how they will

react to this design.

Mr. Emidy expressed his own concerns about taking the three easements on what we often think of as one building. 3, 5-7, and 9 Steeple Street are all on one Providence Tax Assessor's parcel - and the address of that parcel is actually 129 Canal Street. The Commission would be taking three easements on three connected parts of one building, on one parcel. It's not impossible: the two easements that we received for Edge College Hill Phase I are for two abutting buildings on a single parcel. We asked the petitioner's lawyer, Jon Restivo, and he suggested that it's legally acceptable to have the three easements. We have asked the city about this issue and await a response.

We have also inquired with our legal counsel, the Office of the Attorney General. Our inquiry to the AG's office has resulted in some other questions, but the lack of draft easements has prevented them from giving us a conclusive answer on the three-easements-on-one-building issue. At the least, Mr. Emidy said that it seems as though enforcement of three easements could be complicated.

Ms. Taylor asked about the AG's questions. Mr. Emidy replied that, in addition to the lack of draft easements to review, the lawyer in the AG's Office has stated that all easements are supposed to be approved by the State Properties Committee. This is something that, to Mr. Emidy's knowledge, has not occurred in the past, including on Edge College Hill Phase I.

Dr. Grefe asked Mr. Emidy to explain the TDR that occurred for Edge College Hill Phase I. Mr. Emidy noted that the process was handled by Mr. Sanderson as Executive Director, so he is not familiar with all of the details, but that the Commission voted to accept an easement on the building at 106-108 North Main Street to allow a transfer of 60 feet of height to the building under construction at 169 Canal Street. The developer also donated an easement on the Elizabeth Building, at 100 North Main Street, as part of the transaction, which the Commission also voted to accept. Mr. Emidy pointed out that this was the first time that the Commission was made aware of the TDR provision in the ordinance and the first time going through the process. As a result of this effort, it has become apparent that we need a more robust process for dealing with TDRs. This includes defining just how much regulation of new construction is it appropriate for the RIHPHC to do, what constitutes the value of a given easement, and whether there should be a public comment process like the DDRC has.

Ms. Taylor stated that she believes that the TDR is a valuable tool. She expressed her concern that the easement that we accepted for Phase I may not be legal, and she explained the AG's recommendation that the Commission take time to figure out how we look at TDR easements, establish internal procedures, and work with the City to ensure that we get everything correct from a legal standpoint. She stated that developers, in general, want fast answers on these types of issues, but that people who are interested in preservation deserve to be able to understand our process and our decisions.

Ms. Kelley asked whether there are still missing pieces involved with this application. Ms.

Taylor responded that there are unanswered questions.

Mr. Ducharme stated that it appears that the ordinance allows the transfer of a small amount of developable rights to be spread over a large parcel. Ms. Taylor replied that the City is considering that interpretation right now.

Mr. Morenon stated that he has heard Mr. Emidy and Ms. Taylor state today that there are other agencies and organizations that have an opinion on this, that it would be good to know what the other moving parts are, and that there should be conversation among the interested groups.

Ms. Searle questioned whether or not we are even confident that the questions that we have raised represent all of the details about which we could expect to have concerns. She stated that she does not want to make a decision that can be challenged. Ms. Searle asked Bob Azar, Deputy Director of the Providence Department of Planning and Development, to speak to the Commission about its role in the City process. Mr. Azar stated that the TDR for the Edge College Hill Phase I project was the first time that the process was used, though it has been in the ordinance for years. He stated that he recognizes that there are a lot of questions about the specifics of the program right now, but that the Commission's role is to determine whether or not it wants to accept the easement that will enable the TDR for Edge College Hill Phase II.

Ms. Taylor reminded the commissioners that they are looking at two issues: 1) are they ready to take the easement, and 2) the design review of the proposed new building.

Zach Darrow, attorney for the developer, asked to speak to clarify some points. He said that, as the attorney for Phase I, he is familiar with the RIHPHC easement and understands that there can be conditions on it. Also, that he understands that there is some legal discussion that may call into play not only the Phase I TDR, but all of the Commission's previous easements. He stated that they asked for three easements because that is how the building is listed in the National Register. That was the way that the Phase I easement was processed. He stated that timing is an issue for this project, and that the development team has been working with Commission staff under the process as they know it now from past experience, but that if this does not work, they can construct eleven stories over the entire parcel.

Ms. Taylor stated that, if we did not have a defensible process previously, we regret that, however, we need to have one now.

Ms. Taylor asked what the Commission wants to do. Ms. Searle replied that she wants to see the developer's presentation of the proposed new building. Ms. Taylor asked if the Commission wanted to decide on accepting the easement before seeing the presentation. Dr. Grefe asked if it is correct that the options are to defer the vote or vote and risk a "no"? Mr. Darrow asked why the Commission would not want to see the presentation before voting, to which Ms. Taylor replied that it could potentially conflate the issues of whether the Commission is ready to consider the easement, which is the question on the table, and whether it approves of the design. Mr. Darrow said that it would not.

Ms. Searle proposed that the Commission see the presentation, and made a motion that the Commission is not prepared to vote on the easement at this time. The motion was seconded by Mr. Abbott. Mr. Ducharme asked if not being prepared to vote is because of the State Properties approval question. Ms. Taylor replied that it is because of that and the other outstanding questions.

On the motion by Ms. Searle, seconded by Mr. Abbott, the Commission unanimously

VOTED to continue the matter.

Martha Werenfels, of DBVW architects, gave a PowerPoint presentation of the proposed design for the new building. She stated that people are excited to see new residential opportunities in Providence, and that surface parking is not the best use of the parcel in question. She explained that the allowable maximum building height on the parcel is 100 feet, but that a 20 percent bonus is available, and that with the TDR, the building could be approximately 160 feet tall. She said that DBVW's goal is to design a building that is as respectful as possible to the surroundings by stepping the height down to the corner of North Main and Steeple Streets and creating an alley between the new building and the 3-9 Steeple Street building. She agreed with the Commission that Thomas Street is a very important streetscape, and pointed out that it is not of a unified design – there are a number of styles and materials. She presented renderings of all of the elevations of the building, from a number of view angles, and discussed the design goals, potential uses, and the materials proposed to be used.

Ms. Searle and Ms. Kelley asked Ms. Werenfels about the eight-foot setback from Steeple Street, with regard to sidewalk width and potential for seating an outdoor seating area. Ms. Werenfels stated that the team considered moving the corner mass to the top of another section, however, it did not seem to work and the City was not in favor of that design.

Dr. Evans noted that Ms. Werenfels stated that the team plans to hold neighborhood meetings and asked if they have done that yet. Ms. Werenfels replied that they have not.

Ms. Taylor asked if there was anyone in the gallery who wished to speak. Marlene Yang, of 2 Thomas Street, said that she moved to Providence recently, in part because of its good architectural design. She expressed concerns about the proposed building's volume and density, and that local businesses along North Main and Steeple Street whose customers utilize the development parcel for parking will suffer. She asked if there is something between 15 stories and a parking lot that could be created to serve all.

Ms. Taylor stated that one of our concerns is what we have authority over and what taking a TDR easement moves us into as reviewers. She explained that we have not yet had those conversations, but that, based on the developer's concerns, we need to do so quickly.

Ms. Searle told Ms. Werenfels that her presentation was excellent and asked if the team would

consider creating a model. Ms. Werenfels responded that the renderings are more specific than a model would be, so it is her belief that the renderings better represent the project.

Ms. Taylor thanked Ms. Werenfels for her presentation.

5. National Register of Historic Places

Mr. Emidy explained that the Commission has the opportunity to endorse the actions of the State Review Board (SRB) as they relate to National Register of Historic Places nominations. The SRB met on December 4th, however, the subsequent Commission meeting agenda was taken up with State Preservation Grants, so the December SRB actions are coming before the Commission today.

- a) SRB Final Approval: L'Union Saint Jean-Baptiste d'Amerique (USJB) at One Social Street in Woonsocket was presented to the Commission by Elizabeth Warburton. The property came before the Commission for a preliminary review (prior to the re-establishment of the SRB) in July 2017.

The USJB building was constructed in 1926 to designs by architect Walter F. Fontaine. The four-story building's façade features three-story tall Corinthian pilasters and Neoclassical ornament. The first-floor storefronts were altered in 1975, however, the original material appears to remain in place behind the new. The interior retains a high degree of integrity. The USJB was founded in 1900 to serve as a national headquarters for the hundreds of French-Canadian fraternal organizations that were already established across the United States, particularly in New England. In 1989, the USJB sold the building, and in 1991 merged with Catholic Family Life Insurance; the organization remained in the USJB building until 1994.

The State Review Board approved the nomination at its December 4th meeting.

On a motion by Mr. Abbott, seconded by Dr. Grefe, the Commission unanimously

VOTED to endorse the State Review Board action.

- b) SRB Preliminary Approval: Samuel Clarke Farm at 106 Lewiston Avenue in Richmond. Joanna Doherty presented information about the property to the Commission.

The Samuel Clarke Farm occupies a 40-acre lot in the southern part of Richmond. It includes a ca. 1691, 1½-story house with a 19th century, 1½-story ell, and also a late-19th-century barn (with additions), a ca. 1812 schoolhouse (moved to the site in the 1840s), a corn crib, a wagon shed, a privy, and a stone outbuilding that may have been a blacksmith shop. The property is mostly wooded, with the exception of the area immediately surrounding the house and outbuildings and a cleared pasture to the

northwest of the house. Stone walls crisscross the property. A family burial ground is located to the north of the house, on land now owned by the Town of Richmond. The farm originally occupied 200 acres that were part of the Stanton Purchase, a large tract of land between the Usquepaug and Beaver Rivers deeded to Robert Stanton and George Gardiner by Indian Sachem Wanumachon in 1662. Joseph Clarke obtained a deed to the 200 acres in 1694. In 1717, Joseph deeded the land to his son Samuel [1672-1769] who had apparently previously built the extant house around 1691. The property passed through Clarke descendants, eventually growing to 500 acres, before being left to Charles Link in 1950. Link subdivided much of the property and built spec houses, leaving the farm with 40 acres. The property stayed with Link descendants until John Peixinho purchased it in 2015.

The State Review Board voted preliminary approval for the nomination at its December 4th meeting.

On a motion by Ms. Kelley, seconded by Dr. Grefe, the Commission unanimously

VOTED to endorse the State Review Board action.

- c) SRB Preliminary Approval: Moore Fabric Company at 45–47 Washington Street in Pawtucket was presented to the Commission by Mr. Emidy.

The earliest building in the complex is the remnant of a school built in 1878. In 1909, it was sold and began industrial use. Further development of the site began in 1919 with the construction of a freestanding weave shed by Glendana Silk Mills. In 1921, the Moore Company took over the mill and began a drawn-out transition from the production of silk to elastic narrow fabric. The particular technique that the company used for elastic fabric production represented a change from previous methods and became the norm. The company constructed a number of additions ending in about 1945 that resulted in the heterogenous mass that exists today. In the 1970s, the Moore Company sold the complex to the General Fabrics Corporation, which utilizes it as a warehouse and shipping facility.

The State Review Board voted preliminary approval for the nomination at its December 4th meeting.

On a motion by Dr. Grefe, seconded by Ms. Searle, the Commission unanimously

VOTED to endorse the State Review Board action.

6. Report: Executive Director Search Committee

Ms. Taylor reported that the Executive Director Search Committee will conduct telephone

interviews with six applicants, all of whom are qualified to hold the position. These will take place in January, with further interviews to follow.

7. Report: RIDOT Scenic Roadways Board

Ms. Taylor reported that she has asked Tanya Kelley to serve as the Commission's representative on the RIDOT Scenic Roadways Board. The Board has a seat for a Commission representative, but it has been vacant since Karst Hoozeboom left last year. Landscapes are assuming an increasing role in preservation, so we may want to get another landscape expert on the Commission.

9. Announcements

Mr. Emidy announced that the next regular Commission meeting will be on Wednesday, February 14th. Ms. Taylor stated that the Commission may want to convene in the interim, to discuss TDR easements, in general.

Ms. Taylor stated that many of the Commissioners are approached by concerned citizens and elected officials in relation to issues that the Commission is considering. Commissioners who contact Ms. Taylor should not hesitate to let Mr. Emidy know, as well. It is important for us all to have all of the information that is available. The fact that citizens and elected officials are concerned and interested in our work is generally positive for the Commission.

Mr. Abbott asked which attorney in the Attorney General's Office we deal with. Mr. Emidy replied that Greg Schultz has worked with us in the past.

Ms. Taylor asked that the Commission go into Executive Session.

10. Upon the end of the executive Session, the meeting adjourned at 11:47 AM.

Minutes recorded by,



Jeffrey D. Emidy
Acting Executive Director
Deputy State Historic Preservation Officer