

TOWN COUNCIL WORKSHOP - THURSDAY EVENING - SEPTEMBER 10, 2009

TOWN COUNCIL PRESENT: Marshall, Cordeiro (arrived at 8:05 o'clock PM) Barboza, Parella, and Herreshoff (arrived at 7:06 o'clock PM)

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ABSENT:

HISTORIC DISTRICT COMMISSION PRESENT: Oryann Lima, Melanie Wolfe, Stephan Brigidi, Reginald McCarthy, David Andreozzi, Eric Hertfelder

ABSENT: Anthony Margiotta, John Allen

ALSO PRESENT: Andrew M. Teitz, Esq., Assistant Town Solicitor
Diane M. Williamson, Director of Community Development
Arnold Robinson, Consultant/Facilitator
Susan C. Church, Historic District Commission, Staff Assistant

The Council met in workshop session with the Historic District Commission present on Thursday evening, September 10, 2009, in the Town Hall, Council Chambers beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Documents Received:

- Arnold N. Robinson, AICP, re Historic District Zoning in Bristol: Current Issues and Available Solutions
- (Assistant Solicitor Teitz) re draft ordinance "Historic Residence - Tax Credits"

Council Chairman Marshall announced that the purpose of this evening's workshop was to consider the matter of the Historic District Commission past, present and future. Council Chairman Marshall noted that the workshop would operate under certain "ground rules" as established by Mr. Robinson who will serve in the capacity of facilitator. Council Chairman Marshall noted that Mr. Robinson is a planner who is well versed in Historic District Commission issues.

Council Chairman Marshall also noted that the Historic District is valuable to the community and that no one disputes the value of same. He stated that the Council expects that workshop participants should keep "comments and speeches" to a minimum of three (3) minutes and that "monopolizing" the workshop will not be tolerated.

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Council Chairman Marshall also explained his perspective in that there were persons for, against, and in-between regarding the Historic District Commission and that the overall goal of the workshop was to move forward.

Council Chairman Marshall also noted that most board and commission members receive little or no compensation for their work on behalf of the Town and suggested that the various participants at this evening's workshop should keep the volunteer aspect of the Historic District Commission in perspective.

Councilman Herreshoff arrived at this point in the meeting (7:06 o'clock PM)

Council Chairman Marshall introduced Messrs. Teitz and Robinson and also introduced Susan Church, Historic District Commission Staff Assistant and described the responsibilities of each.

Mr. Robinson introduced the proposed agenda noting that he met individually with Council members, Historic District Commission members and Historic District Commission Town Hall staff. He encouraged those making presentations to focus upon those aspects of the Historic District Commission that might be changed and/or improved and that the overall goal of the workshop was one of fact-finding and that he expected to leave the workshop with a list of potential changes.

Mr. Robinson explained that there are 624 properties within the established Historic District these resulting in 120-150 applications that are heard by the Historic District Commission per year.

Mr. Robinson also explained that his interviews discovered that many people "in the know" had decidedly different information concerning the Historic District Commission and that there was an "appetite" for information expressed by nearly all interviewees.

Mr. Robinson outlined that Rhode Island provides Income Tax credits for those property owners who complete qualified projects and also that Rhode Island Law allows for communities to provide their own tax abatements if they choose to do so.

Mr. Robinson informed those present that Ms. Church works two days per week accepting applications, etc., and that some were

of the opinion that it might be necessary to have more frequent staff hours. He noted that many of the interviewees indicated a desire to have "sign off" approvals for certain "in kind" repairs or replacements such as roofs, etc. It was further suggested that these approvals might be authorized by a staff person and/or duty officer in routine cases.

Mr. Robinson reported that in the past Rhode Island had "robust" training opportunity for Historic District Commission members but the availability for training in recent years has been sparse.

Mr. Robinson also reported that applications heard before the Historic District Commission can be contentious and that the reason for same is often related to the completeness of the application as provided by the petitioner. He also noted that the authority of the project monitor is not always sufficiently clear and that the "tone" of the Historic District Commission was reported to be sometimes "imperious or condescending."

Council Chairman Marshall noted that the information provided by Mr. Robinson as a result of his survey was "a lot to take in." He also explained that the existence of a Historic District in Bristol was advantageous in that it promotes business, enhances property values and provides opportunities such as this year's naming of the Town as one of the "Dozen Distinctive Destinations" by the National Trust for Historic Preservation.

Council Chairman Marshall opened the floor for public comment:

Cara Cromwell of 649 Hope Street stated that she was supportive of the Historic District Commission. She also stated that she had appeared before the Commission personally and as a representative of a public interest and was certain that the Historic District Commission might be more helpful but she was uncertain as to how Commission members might accomplish same. Ms. Cromwell noted that Preservation Guidelines for the Avondale/Riverside Historic District were readily available via the internet and that these provide an easy to understand framework for what might be acceptable and unacceptable.

Ms. Cromwell also noted that there appeared to be some irregularity in the decisions of the Historic District Commission and that consistency was very important. She also stated her opinion that Historic District Commission members should live within the established Historic District.

Linda C. Arruda of 159 High Street informed the Council that she has lived in her house for forty (40) years and that she was ready to repair some trim features similar to those repaired in the past. She suggested that the Commission might provide "administrative" approvals for similar projects previously approved provided that the applicant has an acceptable "track record" for completing projects in a satisfactory manner. Ms. Arruda suggested that each property might have a file of past projects with the results of same included and that this file might be considered in the absence of a full application and hearing before the Commission.

Ms. Arruda observed that the Historic District Commission staff is only available on Tuesday and Thursday and that the "administrative" approvals might require additional staff but would, in turn; reduce the overall number of applications for hearing before the Commission.

Todd Roper of 30 Union Street informed the Council that he had been misquoted in the local press and that he was one-hundred percent (100%) in support of the Historic District Commission.

Mr. Roper noted that a common mistake of Historic District Commission applicants is that they do not come to the Commission meetings prepared and must sometimes return for subsequent meetings with proper documentation. Mr. Roper also noted that the timing of the application process could be improved by the Commission; suggesting that the Commission might have more frequent meetings during busy seasons - particularly in the spring - when many projects are pending. He also suggested that the meetings during the winter months might be eliminated if there are no applicants.

Mr. Roper also stated that the packet of information provided by the Historic District Commission was useful.

Raymond DeLeo of 2 High Street suggested that the Historic District Commission should "get back to fundamentals" and that the Town should undertake a "proper study" of cultural assets.

Mr. DeLeo noted that the National standards require a "baseline" of the most salient features of structures and that the Town's surveys were not sufficiently detailed.

Mr. DeLeo also stated that recent approvals for Stone Harbour and the Andrews Memorial School were questionable and that the "common thread" of the Town's historic past was its working

waterfront; this being now "privatized" mostly for residential uses.

Mr. DeLeo also questioned the leadership of the Rhode Island Historical Preservation and Heritage Commission's director Ted Sanderson, noting that Mr. Sanderson had "made mistakes."

Mr. DeLeo informed the Council that he, while a student, was impressed with the foresight of the founding fathers who provided for the Town Common, neighborhood schools, and wide streets.

Council Chairman Marshall suggested that Mr. Robinson should meet with Mr. DeLeo and discuss these matters in greater detail.

Judy Anderson of 117 Constitution Street re-stated some of the testimony provided at the Council meeting of July 15, 2009 and asserted that the Town Council gave "weak arguments" in favor of expanding the Historic District. Ms. Anderson suggested that the Historic District Commission's authority should be eliminated and that property owners should consider the Historic District Commission's suggestions on a voluntary basis.

(Councilman Cordeiro arrived at this point in the meeting; 8:05 o'clock PM.)

Ms. Anderson requested that the Council give "serious consideration" to her idea; noting that the "voluntary topic was removed from the table in a nanosecond."

Ms. Anderson also suggested that the voluntary historic district might be changed to its present form when property is transferred thus allowing the prospective property owner to know in advance of acquiring the property that he or she will be subject to Historic District Commission regulations.

Jack K. Baillarger of 7 St. Theresa Avenue stated that he did not agree with Council members' opinion that a voluntary historic district was unworkable.

Councilman Herreshoff restated his opinion that if a Historic District Commission is to be effective then it must have authority.

Mr. Baillarger suggested that the Historic District Commission might meet more frequently during "construction season" and that the Historic District Commission needed an "attitude adjustment"

and that more than one Historic District Commission member should visit the site of a large project prior to hearing the matter.

Mr. Baillarger on also informed the Council that he did not think the idea that home owners within the Historic District might receive tax advantages was appropriate since he would not qualify for these. He also stated that he did not agree that Historic District projects require drawings as prepared by a draftsman.

Mr. Baillarger on stated that he would prefer if someone purchased the buildings within the Historic District and maintained these authentically such as in the case of the Newport Restoration Foundation as founded and funded by the late Doris Duke.

Derwent Jean Riding of the Statewide Planning office noted that there were opportunities for training for boards and commissions.

Michael Hanney of 22 Noyes Avenue informed the Council that he purchased his property in 1977. He explained that he made application to the Historic District Commission three times and that two out of the three were routine. In the third case he was required to install a type of window different from the one he selected for his project.

Mr. Hanney suggested that the Historic District Commission might allow for administrative approval (sign offs) in certain routine cases. He also noted that the staff of the Historic District Commission was helpful and that the Historic District Commission might have "informal" sessions with one or two Historic District Commission members in attendance in order to review project ideas before the application is brought before the entire Commission. He also suggested that the Historic District Commission might consider the issue of affordability when approving projects.

Lombard John Pozzi of 1226 Hope Street noted that there are often schedule conflicts between the various approvals and that the Council might wish to examine the timing of the Zoning Board and Historic District Commission meetings.

Mr. Pozzi also suggested that staff might be able to handle certain applications administratively but that this process might also need closer and more frequent monitoring.

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Mr. Pozzi agreed with earlier presenters in that more frequent meetings during "construction season" might be received favorably and that there are publications available in the Rogers Free Library that outline details of certain acceptable renovation products. He suggested that the Town might purchase these books for Town Hall also.

Mr. Pozzi suggested that larger projects might have "concept reviews" prior to inclusion of same on regular Historic District Commission agendas.

Mr. Pozzi stated that the Historic District Commission must exercise caution that its decisions must be fair and uniform.

Councilman Cordeiro asked Mr. Pozzi to provide evidence of those decisions that might not have been equitable.

Mr. Pozzi also observed that obtaining approval from the Historic District Commission is easier in Bristol than it is in the Village of Wickford.

Mr. Pozzi also informed the Council that he did not support the idea of a "voluntary" Historic District and that the program would resemble "Swiss cheese."

Ron Pansa of 46 Clipper Way informed the Council that he did not live within the Historic District. He further stated that he "likes Bristol" but that he found the expansion of same to be "insidious."

Nancy Horne of 1014 Hope Street stated that she supports the Historic District Commission and that it is an "asset to the Town." She also informed the Council that she previously lived on Bradford Street and that her landlord observed the Historic District Commission regulations.

Asterio Sousa of 117 Constitution Street informed the Council that he was a Native Bristolian and that he was in favor of a voter referendum on the Historic District Commission.

Mr. Sousa also contended that the new cremation garden at North Burial Ground was not in keeping with the historic nature of the cemetery.

Ethan Tucker, property owner at 1200 Hope Street, informed the Council that he was misquoted in the *Bristol Phoenix* article concerning the Historic District Commission. He also suggested

that the guidelines might be "streamlined" particularly those relating to landscaping.

Mr. Tucker also questioned the need to "board-up" his property since there was inordinate damage to the historic fabric of same when the building was secured.

Mr. Tucker also noted that some expensive equipment was damaged and also that information was provided to his lender by the Town that caused him to lose his financing.

A discussion ensued regarding the Town's communication with Mr. Tucker's lender with Council Chairman Marshall noting that Mr. Tucker's issues were out of the ordinary and would likely require some attention outside of this workshop.

Assistant Solicitor Teitz noted that the decision to board-up Mr. Tucker's building was due to the Town's concern for health, safety, etc., and unrelated to the Historic District Commission. He also stated that he was unaware of any inappropriate contact with the State officials (Mr. Tucker's lender) but it would be normal for the State to speak to the Town regarding any local projects that it might be funding.

Mr. DeLeo stated that he was of the opinion that the situation as described by Mr. Tucker might be construed as "helter-skelter" enforcement.

Mr. Tucker informed the Council that he "wholeheartedly supports" the Historic District Commission.

Timothy A. Pray of 749 Hope Street suggested that the fee charged by the Historic District Commission might be eliminated and also that the Commission should meet more frequently if needed.

Mr. Pray also suggested that the Building Official or Director of Community Development could review and approve projects as "staff" to the Historic District Commission.

Mr. Pray also asked to know if non-profits might have Historic District Commission waivers and also if the "advantages" of modernizing could be weighed into Historic District Commission decisions. He also re-stated his earlier opinion that the Historic District might be "voluntary."

Mr. DeLeo noted that the properties within the Historic District appear to have "fundamentally" higher land values than those properties located outside of said district.

Mr. DeLeo also informed the Council that the Historic District Commission was in "dire need" of an administrative process and guidance. Mr. DeLeo also stated that (Rhode Island Historical Preservation and Heritage Commission Executive Director) "Ted Sanderson gets money for this."

Melanie Wolfe noted that the Historic District Commission often provides time at the end of its agenda for concept reviews in the absence of a formal application for approval. She also stated that "there is a good deal of misinformation out there."

Ms. Wolfe also stated that the Historic District Commission is "not an easy job" and also that she would be in favor of workshops on windows, etc.

Councilman Barboza stated that the information provided at this workshop provided much "food for thought." He also stated that the process for conceptual reviews might be improved.

David Andreozzi stated that the Council might consider holding the workshop on windows, etc., at a time when the Council and Historic District Commission members can specifically discuss same in a "work session atmosphere" to consider those items listed on pages 11 and 12 of the "white paper" as prepared and presented by Mr. Robinson.

Councilman Herreshoff agreed that the Council and Historic District Commission could have another session and address the topics one at a time.

Councilwoman Parella agreed that those items listed on pages 11 and 12 might be better discussed at a meeting set for that purpose. She also asked that the Council might consider specific recommendations at that time and that the research provided would include those matters relating to technology. She also noted that the topic of replacement and/or repair of windows is the "biggest issue."

Eric Hertfelder commented that the number of applications in a given year was "significant" since it represents nearly one-quarter of the properties in the Historic District and that 99% of these were approved.

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Stephan Brigidi stated that he was pleased to learn about the website noted by Ms. Cromwell and agreed that it appeared to be "more user friendly." He suggested that the Town might have something similar.

Mr. Brigidi also stated that he was in agreement that the application process could be streamlined; perhaps granting more authority to officers to act on behalf of the full Commission in routine cases. He also agreed to meet more frequently in warm months and that he always considered the "guidelines as guidelines."

Mr. Brigidi stated that the Historic District Commission should "better define the role of the project monitor" and that the staff support person should not be called upon to serve as "enforcer."

Mr. Brigidi also agreed that fees should be eliminated.

Council Chairman Marshall noted that the foregoing was a "great workshop" and cautioned the participants that it is not often possible to please everyone.

Assistant Solicitor Teitz provided a draft ordinance for Council consideration regarding potential tax credits for residential property owners within the bona-fide Historic District.

Mr. Pray asked to know if more ideas might be brought forward to the next meeting by members of the public with Mr. Robinson suggesting that the meeting might be more productive if the Council curtails public comment. Councilman Herreshoff agreed that the discussion at the next meeting should be limited to the Council members and the members of the Historic District Commission and staff.

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this special workshop to be adjourned at 9:55 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk