

# Report on Proposed Demolition of 113 and 119 Water Street

November 19, 2022

Warren Code of Ordinances, DIVISION 2. - DEMOLITION OF HISTORIC BUILDINGS  
*Sec. 4-33. - Review of demolition applications by the Warren Voluntary Historic District Commission and the Town Council.*

*Any application for a demolition permit for a principal building or structure, under this chapter, shall be referred by the building official to the Warren Voluntary Historic District Committee ("WVHDC") for review at a meeting with public participation. The WVHDC shall prepare a report for the Town Council, discussing the historical value of the building or structure, the effect of the proposed demolition on the building or structure's historical value, and the conditions, if any, for granting a waiver set out in section 4-35 of this Code. The WVHDC shall also include in the report any recommendations for the principal building or structure to replace the principal building to be demolished in accordance with subsection 32-151(b) of this Code. The WVHDC shall prepare the report and transfer it to the town council within thirty (30) days from the date the application is received by the building official.*

## I. Background - Condemnation Does Not Mandate Demolition

The Warren Department of Building and Zoning restricted access to 119 Water Street in correspondence to the owner dated October 26, 2022 and instructed the owner to produce a remediation plan within 30 days. No remediation plan has been produced to date. Rather, the owner is seeking permits to demolish the buildings located at 119 Water Street and 113 Water Street. Both buildings are located in, and contribute to, the Warren Waterfront Historic District and require the granting of a waiver to alter or demolish. See Section 4-32 through 4-36 of the Warren Code of Ordinances ("Demolition Ordinance").

The Warren Voluntary Historic District Commission ("HDC") is required by the Demolition Ordinance to prepare a report for the Town Council discussing the historical value of the building or structure, the effect of the proposed demolition on the building or structure's historic value, and the conditions, if any, for granting

a waiver as provided in Section 4-35 of the Demolition Ordinance. The HDC understands that the owner of the targeted Water Street buildings is proceeding under a Comprehensive Permit Application and that the Warren Planning Board therefore sits in the place of the Town Council for purposes of granting a waiver to alter or demolish under the Demolition Ordinance.

## **II. Historical Value of the Buildings and Effect of Demolition**

The National Register documentation for the Warren Waterfront Historic District notes a long period of significance, from 1743-1953, as well as a wide variety of commercial, residential, institutional, industrial, and maritime buildings located in the district. Also noted in the National Register nomination is the fact that “Warren’s waterfront district enjoys a remarkable homogeneity of scale and character. Most of the buildings are made of wood and stand two or three stories high.”

These two buildings reflect the growing mill production, commerce, and residents of the compact village of Warren in the late 19th century. In 1877, there was a mid-1700’s Colonial home and two small shops on this property. Ten years later, by 1887, the new grocery and meat market building was built at 119 Water Street with half a dozen apartments, as well as a wagon shop and several other small shops on the property. Also built then was the small house & shop at the rear of the property, now 113 Water Street. The grocery and meat market became Mayo’s Market for many years.

Today, the market building at 119 Water Street still survives, but has been neglected and needs restoration. The old Colonial house at 113 Water Street is gone as are several of the old shops, but the small house in the rear still survives in good original condition.

The buildings currently located at 113 and 119 Water Street contribute to the significance of the Warren Waterfront Historic District by virtue of their age and type. At two and three stories high, respectively, they are consistent with the scale and historic character of the surrounding district. These historic buildings are perfect examples of what Warren’s National Register Historic District exemplifies.

Allowing their demolition and replacement with something not in-kind would eat away at Warren's best economic and cultural asset, its heritage.

The demolition of these buildings would be an irreversible blow to the integrity of Warren's nationally designated historic district and could even jeopardize the national designation status. Allowing a modern building above the town-wide height limit, and way out of scale with the surrounding historic district, would set a dangerous and permanent precedent.

### **III. Warren Demolition Ordinance - Waiver Conditions**

Warren Code of Ordinances, DIVISION 2. - DEMOLITION OF HISTORIC BUILDINGS

Sec. 4-35. - Conditions for granting a waiver to alter or demolish.

"In the case of a main or principal building or structure located in the Warren National Waterfront Historic District, the Town Council may grant a waiver to alter or demolish a building or structure only upon a finding that at least one (1) of the following exists: "

- (1) "Retention of such building or structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner;"

*The public safety hazard has been eliminated by the tenants moving out and the buildings being secured. There has been no evidence submitted by the owner that demonstrates any lack of economic means to retain the buildings.*

or

- (2) "Preservation of such building or structure would cause undue or unreasonable financial hardship to the owner; taking into account the financial resources available to the owner including sale of the building or structure to any purchaser willing to preserve such building or structure;"

*No information on the financial resources available to the owner of these buildings has been provided. Although the owner's engineer's report stated that repairs to 119 Water Street would be extensive and expensive, there has been no estimate prepared by a contractor specializing in historic preservation. The Town's engineer confirmed the need for repairs with*

*additional comments, however they did not provide any cost estimate or declare the need for demolition.*

*The HDC has requested the opportunity to conduct an independent review and obtain cost estimates from a historic preservation construction expert but its request to enter the buildings accompanied by a structural engineer has not been granted by the owner. There has been no evidence provided that the property has been offered for sale to relieve any possible financial hardship to the owner.*

or

- (3) "Preservation of such building or structure would not be in the best interest of the community. Any property owner seeking a waiver to demolish or alter a main or principal building or structure in the Warren Waterfront Historic District shall also be required to make a showing to the town council that the proposed demolition or alteration complies with all of the requirements of the State Building Code."

*The preservation of these buildings is clearly in the best interest of the community. Residents have reacted overwhelmingly negatively towards the applicant's proposal, as demonstrated by the large number of residents and interested parties who have taken the time to attend evening meetings of the Planning Board to register their disapproval and/or taken the time to write letters expressing their concerns. In addition, community priorities are set forth in the Warren Comprehensive Plan (see below) which emphasizes the importance of historic preservation in the Warren Waterfront Historic District generally, and on Water Street in particular.*

The Planning Board must find that at least one of the three conditions listed in the Demolition Ordinance has been met in order for a waiver to be granted, allowing demolition to proceed. None of these three conditions have been met.

#### **IV. Warren Comprehensive Plan**

The interest of the community in preserving historic structures is reflected throughout the Warren Comprehensive Plan:

The Natural and Cultural Resources section states the importance of the Warren Waterfront Historic District as follows:

“The largest and most important historic area in Warren is bounded on the north and east by the old Providence Railroad, on the south by Bridge Street and on the west by the Warren River. Designated in 1974, almost half a square mile of this area is a National Register Historic District. Over 300 documented historic buildings dating as far back as the mid-eighteenth century are located within this district. Books, studies and documents show that this area has been recognized as historically important for over 150 years. Besides the large number and variety of individual historic buildings, the eighteenth-century layout of the streets and wharves and the ongoing vitality of the waterfront add to the cohesiveness and importance of this district.”

The Economic Development section recognizes the importance of this district as an economic engine for the town and states the following about Water Street in particular:

**"As the heart of the Historic District, Water Street's historic character and consistency of the streetscape must be protected.** Its antique shops, restaurants, artisan and carpentry shops, marine businesses, and historic nautical atmosphere make it the obvious focal point of any local tourism strategy. **Water Street is attractive because of its small-scale buildings, diversity of activities and distinct "realness."**

The Land Use section establishes policies aimed at preserving the character of the town, including:

- 1) Preserve town character as embodied by settlement patterns and historic buildings.**
  
- 2) Preserve the scale of the town as characterized by the size and massing of its buildings and historic district.**

## **V. Findings under the State Affordable Housing Law**

To approve the applicant's Comprehensive Permit Application for its proposed affordable housing project, the Planning Board would need to make “a positive finding supported by competent evidence” that the project is either in compliance with the local comprehensive plan and standards of zoning or waive local concerns, finding that effects of such relief granted do not outweigh Warren’s need for affordable housing. The Planning Board would need to find that: “There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.”

Because the applicant is pursuing a Comprehensive Permit Application for affordable housing, any Planning Board action to grant a Demolition Ordinance waiver with regard to the applicant's demolition applications for 113 and 119 Water Street, is premature in the absence of the Board's required findings with respect to historic preservation under the state's affordable housing law.

## **VI. Proposed New Building**

*New building-* The proposed new building has been portrayed as specifically designed for Warren’s historic Water Street. However, the design is similar to apartment buildings being built elsewhere today. Four to five stories, mansard roof, broken façade to look like multiple buildings, modern windows and few details are identifying features of these buildings. In addition to the cookie-cutter design, this proposed building would be 50% taller and its footprint would be significantly larger and very out of scale with the surrounding district.

*Streetscape* - For nearly 300 years, the streetscape of Water Street has been human scale with two and three story wooden buildings that were built for housing and commerce. The proposed building would violate that consistency of scale and dominate the streetscape.

*Example cited* - The building at 155 Water Street has been incorrectly highlighted by the project proponent as an example of a building of the height and scale of the proposed 18-unit commercial and residential building. That building was built in the 1880's, long before Warren's zoning ordinance and 35-foot height limit were established. Despite having four floors, it is only 39 feet high and has only six units. Using 155 Water Street to justify the height and scale of the much larger proposed building is a nonstarter.

## **VII. Conclusions**

- Warren is blessed with an abundance of riches in its historic downtown, hundreds of buildings representing every period of history and architecture, so it can be easy to think that some of these buildings are expendable.
- The buildings currently located at 113 and 119 Water Street contribute to the significance of the Warren Waterfront Historic District by virtue of their age and type. At two and three stories high, respectively, they are consistent with the scale and historic character of the surrounding district.
- These two buildings have been neglected, however, there has been no objective evidence presented that they are beyond repair or that repair is beyond the financial resources available to the owner. They have contributed to the human scale vitality that has defined Warren since it's beginning. Hundreds of residents have lived in these buildings, and dozens of small businesses have called this address home.
- These historic buildings are perfect examples of what Warren's National Register Historic District exemplifies. Allowing their demolition and replacement with something not in-kind would eat away at Warren's best economic and cultural asset, its heritage.
- The demolition of these buildings would be an irreversible blow to the integrity of Warren's nationally designated historic district and could even jeopardize the national designation status. Allowing a new building above

the town-wide height limit, and way out of scale with the surrounding historic district, would set a dangerous and permanent precedent.

- Repairing the existing buildings instead of building new would accomplish the goal of providing the same number of affordable bedrooms while preserving the historic scale of Water Street and minimizing the environmental impact of demolishing existing structures and building new.
- There are also many historic tax credits available to owners of historic buildings to further mitigate any financial hardship.