

STATE OF RHODE ISLAND

HISTORICAL PRESERVATION & HERITAGE COMMISSION



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MINUTES

RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION

September 13, 2023

Location:

R.I. Department of Business Regulation
560 Jefferson Boulevard., Warwick, R.I.
DBR Board Room, First Floor

I. MEMBERS PRESENT

Mr. Michael Abbott, AIA
Mr. Jeffrey Emidy, Interim State Historic Preservation Officer
Ms. Anjali Joshi
Ms. Roberta Groch, representing Meredith Brady, Associate Director, Division of
Statewide Planning
Dr. Rod Mather
Mr. Clark Schoettle
Ms. Ruth Taylor, Chair
Mr. Mike Walker, representing Ms. Elizabeth Tanner, Secretary of Commerce, Rhode
Island Commerce Corporation

MEMBERS ABSENT

Mr. James Cambio, State Building Code Commissioner
Mr. Terrence Gray, Director, Rhode Island Department of Environmental Management
Dr. Morgan Grefe
Ms. Kaity Ryan
[Vacant]
[Vacant]
[Vacant]

STAFF PRESENT

Joanna Doherty, Deputy Director
Virginia Hesse, Restoration Project Manager
Shanna Vecchio-Schubert, Assistant Administrator Financial Management
Sarah Zurier, Principal Architectural Historian

II. AGENDA

1. Call to Order

The meeting was called to order at 9:32am, Ms. Taylor, Chair, presiding.

2. For approval: Minutes of August 9, 2023, Commission meeting

On a motion by Mr. Abbott, seconded by Mr. Schoettle, the commissioners voted unanimously to approve the minutes of the August 9, 2023, Commission meeting as they appear in the draft.

3. Executive Director's Report

Jeffrey Emidy reported that:

- a. New HPHC Assistant Administrator, Financial Management, Shanna Vecchio-Schubert started at the HPHC on Monday, September 11. This position has been open since August 6, 2021, so it's great to have filled it and we are very happy to have Ms. Vecchio-Schubert join us. Ms. Vecchio-Schubert was a transfer from another state agency where she held the same job title. However, because we are a smaller agency, the position carries a few more responsibilities with HPHC, not the least of which is human resources work. Rosemary Carreiro and Mr. Emidy are working on getting Ms. Vecchio-Schubert up to speed without overwhelming her even though she arrived at a difficult time because the HPHC operating budget is due next Friday.

Mr. Emidy also reported that the HPHC's Senior Historic Grants Manager position opening was posted on Monday morning. We have already received about 10 applications. The posting closes on October 2.

- b. The Old State House ADA project continues to slowly get closer. The Division of Capital Asset Management and Maintenance received four contractor proposals. These have to be evaluated by a committee of four people, of which, two are HPHC staff, to determine which are qualified to bid. Then those that are qualified will be invited to bid. We are still optimistically looking at late October for awarding the contract.
- c. The annual Heritage Festival will be held on October 21 at the Waterfire Arts Center. Almost all of the performers who were signed up for the September date are confirmed for October, and all of the sponsors remain committed. In fact, moving the date to October allowed a couple more sponsors to come forward. Donna Alqassar has done a great job organizing and rescheduling the event.
- d. The commissioners reviewed a concept drawing a few months ago for an entrance addition on the side elevation of Trinity Repertory Theater – the former Lederer Theater – in Providence. Mr. Emidy stated that he is providing an update because this was recently in the news and it has been a while since the presentation: the addition is still in the design phase. The project has a lot of funding sources that trigger HPHC review, plus we have an easement on the building, so we will bring it back to the Commission when we have more information. The project proponents are applying for federal and state historic preservation tax credits. They asked if we would approve

a tax credit application Part II – this is the part that tells what they plan to do – with general information that they would change later with an amendment. Mr. Emidy stated that he is not willing to do that at this point. He does not want to set a precedent for people submitting information that is known to be incorrect and staff approving it based on the presumption that an amendment will come later. It creates a bad appearance for staff to approve things that we don't think are appropriate, even if we know there is an amendment coming. There is also no guarantee that the project would come back with approvable changes. Finally, it just creates more work for our staff.

4. For vote: Easement Review
Spring House Hotel: new event pavilion
52 Spring Street, New Shoreham

Mr. Emidy stated that he reviewed the easement that the HPHC holds on the Spring House Hotel property last night, and noticed a passage that raises the question of whether or not construction is allowed at the location that has been previously proposed or at any of those that were discussed at the July 12 Commission meeting. He apologized for the last minute discovery. Mr. Emidy stated that he had handed out copies of the easement and of a map referenced in the easement to the commissioners and to the Spring House Team in attendance.

Mr. Emidy explained that the copy of the easement that he distributed is not a fully executed copy, as it is missing the signature of the representative of the Town of New Shoreham. However, he called attention to section 3 on page 4 of the easement, which states that “Within the Conservation Envelope... No roadways, driveways or buildings may be erected or constructed.” He explained that the map referenced in section 2 on page 4 of the easement, which shows the Conservation Envelope, was produced by Cherenzia & Associates, however HPHC files do not contain a copy of this map. HPHC files contain a map by Manitou Company that shows the Conservation Envelope, among other designated areas.

Frank DiBiase, owner of the property, showed a copy of the fully executed easement to Ms. Taylor, who verified that sections 2 and 3 on page 4 of the easement are the same on the fully executed and HPHC copies. Mr. DiBiase explained that Manitou was the architect for housing constructed on the site in accordance with the easement, and that the Manitou map is a copy of the Cherenzia map.

Ms. Taylor stated that, based on this information, the Commission cannot approve a building at the proposed location. Mr. DiBiase and Dylan Conley, attorney representing Mr. DiBiase, stated that there are clauses in the easement that allow for construction on the site. Attorney Conley apologized for not having a presentation prepared as he was only given the information regarding this question minutes beforehand.

Attorney Conley asked that the Commission review the plans for the proposal because time is of the essence in the short construction and hospitality seasons on Block Island. He stated that the location issue could be investigated further after the meeting but that reviewing the reviewing the proposed designs would allow the owner to continue planning while the location issue was investigated. He stated that there is nothing that states that the Commission cannot review the proposal in this case. Ms. Taylor replied that the Commission needs to get over this location hurdle before it can go further in the review.

Attorney Conley asked if the Commission had an attorney present. Mr. Emidy replied that the Commission did not; that it is represented by the Office of the Attorney General. Attorney Conley asked if there is a particular person at the Office of the Attorney General with whom we typically consult, and Mr. Emidy replied that Greg Schultz is our usual contact. Attorney Conley asked if we could pause the conversation to allow the Commission to move on to other business and continue it at the end of the agenda. Ms. Taylor agreed, if there was still time.

The Commission moved on to the next item on the agenda. The conversation resumed after agenda item 8. [The balance of the conversation is included here for the sake of continuity.]

Attorney Conley returned to state that he had not been able to reach Attorney Schultz by telephone. He stated that the refusal of the Commission to hear the proposal is a violation of the property owner's due process rights. He again asked that the Commission review the proposal with the location issue to be sorted out later. Ms. Taylor stated that with the location issue still outstanding, the Commission would not hear any presentation at this meeting.

5. For vote: 2022 Certified Local Government grant modification
Resurvey of the Bristol Waterfront National Register Historic District

Joanna Doherty made a presentation regarding a request by the Town of Bristol for a modification to its 2022 Certified Local Government (CLG) grant. The Town was awarded a \$25,000 CLG grant by the Commission at the March 2022 meeting. When the bids came back, they were close to \$45,000. The Town requests an increase of funding.

Ms. Doherty explained that at the March 2022 meeting, the Commission also approved a \$10,000 CLG grant for support of the 2022 HPHC Statewide Historic Preservation conference. A conference was not held in 2022 as we were conducting the Conference Analysis project. Therefore, the \$10,000 remains unassigned. We are required by the National Park Service to pass these funds through to CLGs. The staff recommends adding the \$10,000 to the Bristol project, making its total grant \$35,000.

A motion to approve the proposal was made by Mr. Abbott and seconded by Mr. Schoettle. The motion passed by unanimous vote.

6. Report on collaboration with the Division of Statewide Planning for Historic District Commission training

Sarah Zurier reported that the HPHC is collaborating with the Division of Statewide Planning to offer Historic District Commission training. Historic District Commission members are now required by state statute to attend training, including an initial session by June 22, 2024. On October 28 we are offering “Commission Assistance and Mentoring Program” (CAMP) training provided by the National Alliance of Preservation Commissions. It is an all-day, in person event being held in Warwick. There will also be a virtual training during the winter. Statewide Planning is providing funds from the Federal Highway Administration to allow attendance to be free.

Mr. Abbott stated that this is a great idea and Ms. Taylor added that it is very important. Ms. Joshi stated that stormwater and significant historic trees should be included as topics, if possible. Ms. Zurier replied that she would pass that along.

7. Report on 2023 Rhode Island Archaeology Month

Sarah Zurier reported that Archaeology Month, or “Arch-tober,” starts in a couple of weeks. She and Charlotte Taylor have been working on outreach to encourage events throughout the state. There are events as widely dispersed as Glocester, Newport, Slater Mill, and even on the parade at the Old State House. The calendar showing these and about 14 other talks, walks, and sessions is posted on our website.

8. Announcements

The next Commission meeting will be held on October 11, 2023.

9. Adjournment

The meeting adjourned at 10:26 am.

Minutes recorded by,



Jeffrey D. Emidy
Executive Director