



STATE OF RHODE ISLAND

HISTORICAL PRESERVATION & HERITAGE COMMISSION

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MINUTES
RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION
March 10, 2021

VIA VIDEO CONFERENCE

I. MEMBERS PRESENT

Mr. Michael Abbott, AIA
Mr. Warren Ducharme, representing the State Building Code Commissioner
Dr. Tripp Evans
Dr. Morgan Grefe
Mr. John Paul Loether, State Historic Preservation Officer
Dr. E. Pierre Morenon
Ms. Kaity Ryan
Mr. Clark Schoettle
Ms. Ruth Taylor, Chair

MEMBERS ABSENT

Ms. Meredith Brady, Associate Director, Division of Statewide Planning
Ms. Janet Coit, Director, Rhode Island Department of Environmental Management
Mr. Jesse Saglio, President, Rhode Island Commerce Corporation
[Vacant]
[Vacant]

STAFF PRESENT

Donna Alqassar, Heritage Aide
Enerida Ademi, Data Control Clerk
Rosemary Carreiro, Fiscal Aide
Jeffrey Emidy, Deputy Director
Elizabeth Rochefort, Principal Architectural Historian
Sarah Zurier, Principal Special Projects Coordinator

II. AGENDA

1. Call to Order

The meeting was called to order at 9:34 A.M., Ms. Taylor, Chair, presiding.

2. Ms. Taylor explained the procedures that would be followed by Commissioners and attendees of the meeting.

3. Roll call

Ms. Taylor called the roll of commissioners. See page one of these minutes for the attendance list.

4. For approval: Minutes of February 10, 2021 Commission meeting

On a motion by Mr. Abbott, seconded by Dr. Grefe, the commissioners voted unanimously to approve the minutes of the February 10, 2021 Commission meeting without changes.

5. Executive Director's Report

Mr. Loether reported that:

- a) He reviewed and commented on Prudence Conservancy's application to acquire Prudence Island Light from the Coast Guard pursuant to the National Historic Lighthouse Preservation Act of 2000. He thinks this is a terrific application. The conservancy has been maintaining the light for about a decade, and it is in their mission to do so. He hopes that this application goes through.
- b) He continued the Section 106 review of the South Fork and Revolution Wind Farm projects that are proposed for R.I. Sound. This included making site visits to Block Island and the Bellevue Avenue and Ocean Drive National Historic Landmark historic districts in Newport to assess the proposed wind farms from multiple vantage points. There are three projects with 230 to 240 total turbines proposed. They are 873 feet tall. RIHPHC's concerns are the potential effects on Southeast Light and the Old Harbor Historic District on Block Island, and the Bellevue Avenue and Ocean Drive National Historic Landmark districts. There are potential complications with Traditional Cultural Places via artifacts that may be on the seafloor. Revolution Wind is also proposing to run a cable up the West Passage of Narragansett Bay, but we have not yet started reviewing that. We are looking at the three simultaneous projects as one, even though they are separate projects.

Mr. Abbott asked if all three of the projects are in Rhode Island waters. Mr. Loether replied that they are all in federal waters. The projects don't get evaluated under Section 106 by location, but by areas where there may be effects.

- c) He has completed review of approximately 36 CRMC permit applications. Relatively few of them have been complicated.
- d) He is continuing to work with the Division of Human Resources on the staff salary and job description updates project, but it will take a while to complete. He

has had lengthy discussions with the Division, and they seem generally supportive. They recognize that our staff's compensation is not aligned to that of surrounding states or the federal government. He is receiving a lot of cooperation from the Human Resources staff, which he appreciates.

- e) He completed minor revisions to the draft Historic Preservation component of the State Guide Plan in accordance with recommendations from Kevin Nelson and the Division of Statewide Planning. He hopes to get it before the Commission for review at the next meeting.
- f) He submitted testimony to the R.I. House Finance Committee on behalf of the RIHPHC in support of HR5458, a bill to do away with the June 30, 2021, sunset provision for the State Historic Rehabilitation Tax Credit Program. Last year, the sunset clause was extended for one year. Overall investment related to the program since 2013 has been over \$2 billion. The credit can be a valuable tool if the legislature decides to refund it. He is also working with the Commerce Corporation on their tax credit program – Rebuild Rhode Island.
- g) He worked on revisions to the proposed regulations for State Archeological Landmarks. There were some comments that we will incorporate. He hopes to complete this in the next couple of weeks.
- h) He went on a site visit to review current conditions of the Brenton Point State Park Carriage House/Stable pursuant to a request from the R.I. Department of Environmental Management (RIDEM) to demolish the building. RIDEM has owned the building since 1978 and does not appear to have done much to use or stabilize it. It is not in imminent danger of collapse. Our letter to RIDEM requests a structural engineer's report for the building. The building is part of the Ocean Drive National Historic Landmark district and the Commission therefore follows the lead of the National Park Service, which says that NHLs have a higher threshold for preservation.
- i) Update on Bond Question 6, which included funding for the RIHPHC's *State Preservation Grants*. As the commissioners are aware, Question 6 was passed by voters last week. Therefore, we have a fully-funded State Preservation Grants program again. Mr. Loether hopes to effectively find a way to fund that program for the long term.

Dr. Grefe stated that we have previously discussed expansion of the types of projects that the program is open to, to include landscapes, and asked if that has been done or if it may be done now that the program is funded again. Mr. Loether replied that we are considering changes to the program, and that they will have to go before the Commission for review prior to being enacted.

Prior to the next agenda item, Ms. Taylor asked the Commissioners for a motion to add to the New Business item of the agenda a discussion of the situation at Waites Wharf, in Newport, and an article that was recently published in the *Newport Daily News* regarding that situation. The motion was made by Dr. Grefe and seconded by Dr. Evans. The vote to add this discussion to the New Business item of the agenda was unanimous.

6. For consideration: Easement action at Faxon Lodge, 28 Gammell Road, Newport

Mr. Loether explained, as an update to the discussion of this action at the February Commission meeting, that RIHPHC principal historical architect Roberta Randall has been to the property several times and has reviewed drawings of what has been and will be done. She has recommended approval of the project, as does he.

Mr. Abbott asked if we need to alter the easement language now that substantial changes have been made to the property. Ms. Taylor stated that we do not so long as the work is done with our approval.

Dr. Grefe made a motion and Mr. Abbott seconded, to approve the work that has been and is being done at Faxon Lodge pursuant to the easement that the RIHPHC holds on the property, with the condition that the ongoing work continues to be approved by this office. The commissioners voted unanimously to approve the motion.

7. Old Business: 2021 Statewide Historic Preservation Conference update

Sarah Zurier gave an update on the 2021 Statewide Historic Preservation Conference. The conference is April 21st through the 23rd. There are three half-days, all being held online. We are developing virtual tours to give attendees an opportunity to experience places all around the state. Commissioners should have received an email with an access code for free admission to the conference.

Katherine Pomplun reported that the 21st will be “HDC day”. She sent a survey to all of the state’s historic district commission (HDC) members and the municipal staff who support them. The sessions are responsive to the topics that they identified an interest in. In addition to presentations, we have also scheduled time for facilitated conversations – one for HDC members and one for municipal staff. We will end the day with an open question and answer forum with members of the RIHPHC staff. HDC members have a code for free admission.

Ms. Zurier continued that days two and three will be from 9:00am to 12 noon. Each day will have a keynote speaker: on day two it will be George Smart, director of USModernist. He will stay for a follow-up session about mid-century houses and commercial buildings being historic. Friday’s keynote speaker is Kofi Boone, a professor of landscape architecture at North Carolina State University, who has done a lot of work on “Black Landscapes Matter” and documenting and recovering African heritage landscapes. He will also stay on for a follow-up session looking at these places in Rhode Island.

We will also have breakout sessions each day, and digital tours, including a 3-D tour of Clouds Hill Farm, also the Knight Estate and CCRI’s Knight Campus. There will also be videos available on demand.

8. New Business: project at Waites Wharf, Newport, and recent media coverage

Mr. Loether reported that we received a Coastal Resources Management Council (CRMC) application for review over two years ago for a development project at Waites Wharf, in Newport. We provide an advisory opinion on CRMC reviews, and the CRMC approves or denies the permit. A permit has not been issued in this case.

Ms. Taylor continued. A developer wants to build a hotel on Waites Wharf, in Newport, which is in the National Register-listed Southern Thames Historic District. The developer wants to tear down a number of buildings that are contributing in the district. It is a complicated permitting process, but they are trying to get a demolition permit from the City of Newport for the project. There was a recent meeting in Newport to consider the demolition permit and an article in the *Newport Daily News* covering the meeting was extremely inflammatory and negative about the role that this office and historic preservation generally play in a process like this. The article was filled with inflammatory quotes by the consultant hired by the developers, who is a local colleague of ours. There is a letter from Ms. Taylor that will be in the *Newport Daily News* in the next day or two.

Mr. Loether stated that the district was listed in 2008. He considers listing as a two-part system: one is designation and the other is disposition. Designation really speaks to the issues of “does it have integrity and does it contribute” while disposition is “what do we do with it?” In a case like this, you have buildings that are either not utilized or they have been underutilized for years. They are significant and contributing and there is a difference between integrity and condition although condition at some point does affect integrity. So, coming to a decision on those two items alone is difficult sometimes. We look at things from a variety of perspectives, not only the significance of the property, but also what is being proposed. We consider what possible alternatives exist to something like demolition, and what mitigation measures could be considered if demolition is allowed to proceed, and whether or not there are feasible and prudent alternatives to the demolition – not to the project, but to the demolition. We sent a letter that said that we believe it is a direct and adverse effect to demolish these buildings. Jeff Emidy and I did a site visit through all of these buildings. We asked for and received structural engineers’ reports which indicate that some of the buildings have structural problems and that modification of the buildings in order to meet current codes would be extremely difficult. The most problematic one is the flood zone issue and how these buildings would have to be adapted to deal with that issue. There are also issues with the types of construction that don’t lend themselves well to adaptive reuse or to moving. So, we basically decided, having looked at all of that, that there probably is no feasible and prudent alternative to demolishing these buildings given their location. We also concluded that the buildings should be documented thoroughly in accordance with our standards for archival purposes. That letter was sent on March 27, 2020. There has been no further communication on this an no response to our recommendation, so the article was the first thing we’ve heard since March. CRMC has not issued the permit because they have not received a letter from us indicating that our situation is resolved.

Ms. Taylor stated that outside of our purview there are questions about whether the city

would allow a hotel to be built in that location. The notion that one tears the buildings down then discovers that one can't do what one wants also concerns her.

Dr. Grefe stated that the issue that concerns her is not the commission stance on the demolition but the article's false narrative that pits business expansion against preservation and suggests that preservation is somehow a sort of "willy nilly" process that we let children do, versus professionals who are actually taking the work seriously and working with the community to build out robust plans that fill out the history of our community. It highlights the need for all of us who are in this business in one way or another to continually remind people that this is a systematic, professional process that relies on the work of community members and that this process did that, it wasn't simply a group of students who got together and wrote some reports and the federal government said, "Well, this is great." This was a lengthy review process. She thinks that we have opportunities when we talk about preservation to describe what the process is like in very positive ways that speak to what it actually involves. She has participated in this process a number of times and knows what it entails and what it entails for the staff, and she wants to be able to give voice to her appreciation for knowing what it actually involves and she hopes that we get an opportunity to show that it's not antithetical to business development, either.

Mr. Loether stated that from the standpoint of the National Register, he knows that this goes through a review process at the staff level, it goes through the Review Board that, at that point, was part of the Commission process, it is professionally reviewed, and then it goes to the Park Service. This review was done while he was Deputy Keeper of the National Register. The review was substantive – only a third of nominations get substantive review in Washington – and the only reason it was a substantive review was because they miscounted some things. It was never an issue in terms of the significance of these particular properties.

Ms. Taylor stated that the article also contains some statements that she has heard other people – even preservation professionals – say with which she disagrees enormously: that the buildings are unsightly and therefore worthy of demolition, and that nobody walks in that neighborhood and it's unpleasant so no one will miss them. And that she has heard people say in Newport – because it has such a plethora of historic resources – that there is a desire to de-prioritize the things that are not on Bellevue Avenue or Thames Street or someplace where the tourists walk. So, it was filled with stereotypes and misconceptions about the nature of the work that this office does.

Mr. Loether stated that there is a systematic way of trying to evaluate these buildings. What you are willing to let go with documentation as opposed to what you think you must keep is a very complicated equation because there are a number of external factors beyond just the significance of the property that have to be considered based on case law, among other things.

Mr. Schoettle stated that it's not unusual for preservation consultants to flip depending on how hungry they are. The Providence Historic District Commission has had expert

preservation witnesses paint a picture and that gets all the press and it's usually incorrect. Also, he imagines that most of this came from the developer's characterization of the site. He went on to say that the Commission has not normally weighed in on local issues unless they have direct jurisdiction and that keeping that separation, to a degree, is important because it is a slippery slope once you start getting involved in local issues.

Mr. Loether stated that he doesn't understand how they are going to do this project without any federal permits and we have made them aware of this. Our answer would be the same, however, whether our review is under state or federal law.

Mr. Abbott asked what our next move is. Mr. Loether replied that Ms. Taylor has responded and that her letter says to call him if anyone has further questions.

Mr. Abbott asked what the standing is of reappointments given that we have a new governor? Mr. Loether replied that the governor has replaced nearly all of the office staff, and he has not yet learned who the new contact is. He wants to speak with the new chief of staff to try to move this along. It is unclear whether or not Governor McKee will want to make sweeping changes on the Commission.

9. Announcements

The next Commission meeting will be held April 14, 2021 by video conference.

10. Adjourn

The meeting adjourned at 10:37 am.

Minutes recorded by,



Jeffrey D. Emidy
Deputy Director
Deputy State Historic Preservation Officer