



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
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MINUTES

RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION July 9, 2008

I. MEMBERS PRESENT

Mr. Robert Goff
Mr. John Grosvenor, AIA
Ms. Patrice O'Malley Hagan
Mr. Karst Hoogeboom
Dr. E. Pierre Morenon
Dr. Ronald Onorato
Edward F. Sanderson representing Mr. Frederick C. Williamson, Chairman & SHPO

STAFF PRESENT

Ms. Pamela Kennedy, Deputy Director
Mr. Edward F. Sanderson, Executive Director
Ms. Sarah Zurier, Sr. Special Projects Coordinator

GUESTS

Mr. Michael Hogan, House Policy Office

MEMBERS ABSENT

Mr. Robert E. Cusack
Mr. Joseph Dias, representing Dr. Michael Sullivan, Director DEM
Dr. James Garman, NR Review Board
Mr. Saul Kaplan, Executive Director, EDC
Mr. Michael Hebert, NR Review Board
John P. Leyden, State Building Commissioner
Dr. Patrick Malone
Mr. Jared L. Rhodes, Chief of Statewide Planning representing Kevin Flynn, Asso. Dir
Dr. Patricia Rubertone
Mr. Jean Rondeau

II. AGENDA

1. Call to Order

The meeting was called to order at 9:40 A.M.

2. Minutes of June 11, 2008

On a motion by Mr. Hoozeboom, seconded by Dr. Onorato, the Commission unanimously

VOTED to approve the Minutes of June 11, 2008.

3. Executive Director's Report

a) RIHPHC is a statutory member of the Rhode Island Scenic Roadway Board, which designates state roadways of scenic and cultural value and reviews Department of transportation projects that could affect the scenic and cultural values of designated roads. Mr. Hoozeboom has agreed to represent the RIHPHC on the Rhode Island Scenic Roadway Board. However, a recent review of the legislation revealed that language to allow the RIHPHC Chairman to designate a representative to serve was not included in the most recent legislative revision. Mr. Sanderson will address this in January when the General Assemble convenes.

b) Emergency Regulations incorporating the legislative amendments to the Historic Preservation Investment Tax Credit were promulgated on April 15, 2008. During the summer months, Mr. Sanderson will work with Tax Division staff to draft final regulations. The input of historic preservation developers will be solicited. Depending on the regulatory schedule, draft final regulations may be distributed to Commissioners over the summer, but adoption is not expected before September.

c) Governor Carcieri and National Geographic Society have signed a compact for encouraging tourism in Rhode Island that values the state's natural and cultural heritage. Preserve Rhode Island and the State Tourism Division are leading a multi-agency working group to implement the program. As a member of the geotourism working group, RIHPHC has been invited to adopt a "Geotourism Code of Good Practice." Following discussion, on a motion by Ms. Hagen, seconded by Dr. Onorato, the Commission unanimously

VOTED to approve the following Geotourism Code of Good Practice, drafted by the Rhode Island Geotourism Collaborative and National Geographic Society.

Whereas, the geotourism approach sustains or enhances the geographical character of a place - its environment, culture, aesthetics, heritage, and the well being of its residents,

Rhode Island Historical Preservation & Heritage Commission

pledges to support these principles of the Rhode Island Geotourism Code of Good Practice:

Integrity of place: We will work to enhance Rhode Island's geographical character in ways distinctive to the state, reflective of its natural and cultural heritage. Our approaches to developing tourism will build on these resources and protect them.

Share our story: We will work to engage visitors and residents in exploring Rhode Island's distinctive characteristics, so that tourists gain a richer experience and residents develop pride in the communities where they live and work.

Enriching tourist experience: We will work to ensure that our visitors are satisfied, enthusiastic, and supportive. We will listen to their interests and concerns, so that they will make return visits and take home travel stories that encourage others to visit Rhode Island as well.

Community involvement and distinctiveness: We will conduct our tourism efforts in ways that support local businesses and civic groups to the greatest extent possible, encouraging partnerships that provide and promote a distinctive, authentic place for visitors and residents alike.

Destination appeal: We will support efforts to sustain Rhode Island's natural habitats, heritage sites, scenic appeal, and local culture—and encourage our visitors to do likewise. We will support efforts to avoid tourist overcrowding. We will seek to minimize sprawl and urge that the design of any new development suit its locale environmentally, culturally, and aesthetically.

Environment: We will work to minimize water usage, pollution, solid waste, invasive species, loss of habitat, and energy consumption.

Human impact: We will support internationally accepted standards of tourism ethics and human rights in relations with our employees, customers, suppliers, and fellow community members. We will minimize unwanted social and cultural disruption from our tourism activities.

Collaboration: We will continue to promote geotourism principles by sharing best practices in our organizations and to collaborate on geotourism educational efforts and policy development.

Commitment: We will post this Code of Good Practice and the actions and policies with which we support it, and to the extent feasible, provide an open venue for others to comment.

d) Mr. Sanderson has been appointed to a panel of the National Society of Public Administration to recommend performance measures to evaluate national historic preservation programs. This appointment recognizes the strength of the RIHPHC program and provides an opportunity to influence the direction of federal programs that are administered by state historic preservation offices.

4. "Preservation Is Local" programs

Certified Local Government program

Ms. Kennedy presented information about the RIHPHC Certified Local Governments

program. This is a federally-mandated program for state historic preservation offices to assist local government historic preservation activities. The National Park Service has focused the CLG program on local historic district commissions that regulate private owners' treatment of their historic properties.

Over the past few years the RI Historical Preservation & Heritage Commission has heard from a number of our local communities, both CLGs and non-CLGs, concerning the Rhode Island regulations for certified local governments. Additional communities might be interested in participating if our regulations were broadened.

When adopted many years ago, our regulations required for certification that a community adopt an historic district zoning ordinance and also that an historic district commission operate in optimal fashion.

Since our regulations were put into place, however, Rhode Island has seen major changes in the preservation and planning environment. Statutory changes at the state level have been an important component of this change—every Rhode Island community must now create and adopt a comprehensive plan which deals explicitly with its cultural resources. Even more important, there has been a flowering of local initiatives which address the preservation of historic buildings, areas, and sites. Some of these local initiatives were anticipated in state statute, but some are wholly a response to local conditions and requirements. We have seen several Rhode Island communities invent and adapt tools for historic preservation which were never anticipated by our CLG regulations. Given this shift, we have re-examined our regulations in light of the changes which have occurred.

We recognize that design review under a local historic district zoning ordinance can be a strong and effective preservation tool, and we continue to support and assist the adoption and/or expansion of a design review ordinance in response to local civic interest and support. But we have also recognized (and responded to) our constituents' view that our CLG regulations are unnecessarily restrictive and limit the potential participation of additional communities that have adopted a variety of historic preservation measures.

As a first step, we are proposing a revision of our regulations. Attached to these Minutes is a copy of the new draft regulations. Following authorization by vote of the RIHPHC Commissioners, we will initiate discussion of the changes with the National Park Service and with all Rhode Island communities, both certified and not certified.

If formally adopted, these changes will require further changes in other aspects of our CLG program (such as our grant application process and CLG evaluation), and we are prepared to make such changes when these new regulations are finalized.

Following discussion, on a motion by Dr. Onorato, seconded by Mr. Grosvenor, the Commission

VOTED to authorize RIHPHC staff to initiate discussion of the changes with the National Park Service and with all Rhode Island communities, both certified and not certified.

Preserve America Grant and local assistance

Ms. Zurier reported on a pending federal grant application to the "Preserve America" program for \$150,000 for local sub-grants that meet preservation needs in Rhode Island communities.

The 2006 White House Preserve America Summit noted that "all preservation is ultimately local," and identified "Sustaining Communities" as a priority action. RIHPHC proposes to designate a Preserve America Community Agent on our staff to provide technical assistance and encourage additional communities for designation as Preserve America communities. This staff will serve as an ombudsman for preservation and facilitate access to preservation knowledge and programs for local communities, while communicating local preservation needs to the Commission. RIHPHC's Preserve America Community Agent will coordinate the grant program and assist grantees.

Rhode Island has 39 cities and towns, and each one is historic. Every community has (a) a survey of historic and architectural resources; (b) a published survey report; (c) properties listed on the National Register and State Register of Historic Places; (d) a historic preservation element in the approved land-use plan; and (e) one or more organizations that carry out local preservation activities. While every community in Rhode Island is historic, each community is different, and the opportunities for local preservation planning vary as well, given the range of existing infrastructure, expertise, resources, attitudes, and municipal budgets.

The Preserve America program is advancing community-based preservation in Rhode Island. RIHPHC is striving to be the first state to have every one of its communities designated as a Preserve America Community, with 20 recognized already, and the remaining 19 targeted for designation in the next 24 months. This Preserve America Grant for **Preservation is Local: Community Preservation Planning Summits and Grants for Rhode Island** will enhance our outreach to local communities, building on past work, connecting with existing networks, and providing resources for new and overlooked community preservation projects.

The Preserve America Grant will: (1) support three regional Summits on community preservation planning to identify local needs, and (2) fund sub-grants to an estimated 15 innovative community preservation planning projects. By completing these two objectives, **PIL** will ultimately realize broader accomplishments. RIHPHC will connect local preservation players, enable dozens of innovative projects around the state, and address Rhode Island preservation needs from the ground up. In turn, **PIL** will give Preserve America/National Park Service a model demonstration of meeting state and local preservation planning needs.

During discussion, Mr. Sanderson explained that Sarah Zurier has been assigned to this new program as an extension of her excellent work coordinating the State Preservation Grants program since 2002. Announcement of the grant award is expected in September or October, but

the outreach and technical assistance to communities will begin immediately. Changes to the Certified Local Government program are intended to complement and help implement the Preservation Is Local program. Several Commissioners commented in favor of the proposed program initiatives, and they noted that strengthening preservation at the local level can build support for statewide historic preservation activities such as re-starting the historic preservation investment tax credits and securing additional bond funding for State Preservation Grants.

5. There was no other business.
6. Next meeting date: Wednesday September 10, 2008.
7. Adjourn: The meeting adjourned at 11:30 A.M.

Minutes recorded by,

Edward F. Sanderson, Executive Director
Deputy State Historic Preservation Officer

Rhode Island Certified Local Government Program
Working Draft: Revised Regulations July 9, 2008

PROTECTION OF HISTORIC PROPERTIES BY LOCAL GOVERNMENTS

-All Rhode Island communities (and any "subdivision or instrumentality") consult with the SHPO before undertaking, funding, or licensing any activity which would damage an historic site or building listed in the State Register (which includes all National Register properties). Additionally, some communities require (in subdivision regulations or other development process) consultation with the RIHPHC by applicants who are proposing development plans.

-All Rhode Island communities have an established planning board created by local ordinance. Members of the planning board are appointed by the chief elected official and approved by the council or are appointed by the council. The principal function of the planning board is to conduct studies and prepare plans on the needs and resources of the community; among these is the "preservation of historic sites and buildings."

-Every Rhode Island community prepares and adopts by ordinance a comprehensive plan for its future. Among the goals established for such plans is the protection of the historic and cultural resources of the municipality. Each comprehensive plan includes an inventory of identified historic sites and buildings, policies for their protection, and a plan for the implementation of the policies. Comprehensive plans are amended and updated at regular intervals.

-Community planning and zoning ordinances conform to and are consistent with each community's comprehensive plan. Zoning ordinances and subdivision regulations must be reviewed and altered as comprehensive plans are amended and replaced. Several Rhode Island municipalities have special zoning districts for village centers (which are historic centers of commercial and institutional life) or have historic "growth centers" designated by the state.

-Some Rhode Island communities regulate construction, alteration, and demolition within designated historic areas. Districts are designated by ordinance. Changes to properties within the districts are reviewed by a local historic district commission.

-Some Rhode Island communities adjust tax policies to reflect their concern for historic resources, by granting tax credits or adjustments in valuation to designated historic properties.

-Some Rhode Island communities preserve individual historic properties by direct acquisition. They may use such publicly-owned historic buildings for their original purpose, find a new

use for them, or resell them with protective covenants.

-Some Rhode Island communities protect a specific class of resources which are related by type (such as historic stone walls) rather than proximity.

DRAFT CERTIFIED LOCAL GOVERNMENTS REGULATIONS

These regulations present requirements for the administration and operation of the CLG Program of the RIHP&HC.

A. PURPOSE: The purposes of the CLG Program are:

1. to insure the broadest possible participation of local governments in the national and state historic preservation programs;
2. to enrich, develop, and maintain local historic preservation programs; and
3. to provide financial and technical assistance to local governments.

B. MINIMUM REQUIREMENTS FOR CERTIFICATION: Local governments are certified when the SHPO and the SOI (who has delegated this authority to the NPS) certify that a local government has agreed to:

1. Enforce appropriate state or local legislation for the designation and protection of historic properties. Rhode Island CLG communities will enforce appropriate local legislation for designation and protection by:

1a. Creation and adoption of an approved comprehensive plan, to include a section on the designation and protection of historic resources, which identifies the community's historic resources that are on (or eligible for) the National Register and identifies policies for their protection. The plan must be adopted by ordinance and approved by the Rhode Island Office of Statewide Planning and RIHPHC.

OR

- 1b. Adoption of a local historic district zoning ordinance.

The ordinance must establish a local historic district commission with authority to review all building permit applications for exterior changes to structures within a designated boundary.

AND

2. Establish an adequate and qualified historic preservation commission by local ordinance. In Rhode Island, local governments may meet this standard by:

- 2a. Appointment by the chief elected official or the city/town council of a historical preservation commission (HPC) to monitor, assess, and review preservation activity in the community, and to advise the council and other appointed or elected officials on proposed changes and demolitions to one or more historic properties. The board must have at least four members who have a demonstrated special interest, competence, and knowledge of preservation issues. Alternatively, the board may demonstrate how additional expertise may be obtained as needed.

OR

- 2b. Appointment by the chief elected official or the city/town council of an historic district commission (HDC) which meets the requirements of RIGL 45-24 (historic area zoning).

AND

3. Maintain a system for survey and inventory of historic properties. In Rhode Island, local governments will meet this requirement by:

- 3a. Insuring that copies of appropriate RIHPHC survey reports and National Register nominations are available for examination at the public library and the town planning office, and by

- 3b. Insuring the presence of an electronic link between the town's website and the RIHPHC website, and by

- 3c. Forwarding electronic, photographic, and paper copies of surveys conducted by the town (if any) to the RIHPHC.

AND

4. Provide for adequate public participation in the local historic preservation program. In Rhode Island, local communities will meet this requirement by

- 4a. Insuring that local historic district commissions or historic preservation commissions meet all the requirements of the open meetings law (RIGL 42-46), and by

- 4b. Providing an opportunity for the public to comment on the process of recommending properties for nomination to the National Register.

AND

5. Satisfactorily perform delegated responsibilities. In Rhode Island, the RIHPHC may delegate additional responsibilities to a CLG. When seeking or accepting such responsibilities, the CLG will meet this requirement by identifying the resources available to perform the delegated duties or by contacting the RIHPHC for needed expertise.
- C. REQUIREMENTS for historic district commissions (HDC) and historic preservation commissions (HPC): HDCs and HPCs will follow all applicable rules outlined in their establishing ordinances and will in addition submit a biannual report to the RIHPHC. The report will include, but need not be limited to, a list of activities (to include a list of properties considered during meetings and issues identified and addressed), a complete set of minutes for all meetings, and an up-to-date list of members. The HDC or HPC must make available to the public in its community its minutes and other materials relating to its operations, including copies of standards, guidelines, and procedures, if adopted.
- D. PROCESS OF CERTIFICATION of Local Governments: An eligible local government may request certification from the RIHPHC at any time.
1. The request for certification must include: a letter from the chief elected official stating that the requirements for certification above have been met, a copy of the legal instrument creating the HDC or HPC, and a list of members of the commission, and the name of a person designated by the chief elected official as the contact for certification in the community, to include names, addresses, and other contact information.
 2. The RIHP&HC will respond to the applicant community within 45 days of the receipt of an adequately documented request for certification. The RIHPHC will prepare certification agreements with the local government. The signed agreements will be kept on file at the RIHP&HC and submitted to the National Park Service. The effective date of certification is the date of NPS concurrence (which date is stamped on an approval letter).
- E. EVALUATION of Certified Local Governments and Decertification:
1. The RIHP&HC will conduct a bi-annual review of the performance of each CLG to assure that it continues to meet the requirements set forth above in B.1-5. The RIHPHC will

review copies of all minutes of meetings of the HPC or HDC, the biannual report outlining all activities of the HPC or HDC, and all records of the administration of any grants-in-aid. The review will be conducted using a written checklist approved by the RIHPHC. A CLG will be considered to no longer meet the eligibility criteria when it fails to meet any of the requirements of B.1-5.

2. The RIHPHC will inform each CLG in writing of the results of its biannual evaluation. If the RIHPHC evaluation concludes that the CLG no longer meets the eligibility criteria, the CLG shall have a period of 30 to 120 days to make necessary changes. If the allotted time expires and the CLG does not meet the minimum eligibility requirements, the RIHP&HC will recommend decertification to the SOI, citing the specific reasons for the recommendation. If the SOI does not object to the RIHPHC's recommendation within 30 days of receipt, the decertification shall be considered approved by the SOI. The RIHPHC will terminate financial assistance in accordance with NPS-49, National Register Program Guidelines, when a local government is decertified.
3. A local government which has been decertified may re-apply for certification in the usual manner.

STATE LEGISLATION CONCERNING THE LOCAL PRESERVATION OF HISTORIC PROPERTIES

Several state statutes relate to the preservation of historic properties as a function of local government:

1) RIGL 42-45 requires that Rhode Island towns and cities (and "any subdivision or instrumentality") consult with the RIHPHC before undertaking, funding, or licensing any activity which would damage an historic site or building listed in the State Register.

2) RIGL 45-22 requires that all cities and towns establish a planning board by ordinance. Members of the planning board are appointed by the chief elected official (such as mayor or administrator) and approved by the town council or are appointed by the town council. The chief function of the planning board is to study and prepare plans and reports on the needs and resources of the community. Among the needs identified in the legislation is the "Preservation of historic sites and buildings" (45-22-7 [10]). Further, the planning board provides advisory opinions and recommendations on zoning matters to the town council or the chief executive.

3) RIGL 44-22.2 requires every Rhode Island community to prepare and adopt a comprehensive plan. Among the goals established in 45-22.2 is the "protection of natural, historic and cultural resources of each municipality and the state." Included among the required elements of the comprehensive plan for each community is a Natural and Cultural Resources Element, which must include policies for the protection of the historic resources of the community. The community comprehensive plans must meet state standards and are subject to a comprehensive review at the state level to insure that local plans are consistent with each other and with the state guide plan. Further, local planning and zoning ordinances must conform to a community's plan

4) RIGL 45-24 allows each municipality to regulate construction, alteration and demolition within designated historical areas. Districts are designated by ordinance. Changes to buildings within districts are reviewed by a local historic district commission appointed by the chief elected official or by the town council.