



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
Old State House 150 Benefit Street Providence, RI 02903

Telephone 401-222-2678
TTY 401-222-3700

Fax 401-222-2968
www.preservation.ri.gov

MINUTES

RHODE ISLAND HISTORICAL PRESERVATION & HERITAGE COMMISSION
September 10, 2008

I. MEMBERS PRESENT

Mr. Robert Goff
Mr. John Grosvenor, AIA
Ms. Patrice O'Malley Hagan
Mr. Karst Hoogeboom
Mr. Bradford Kopp
Dr. Patrick Malone
Dr. E. Pierre Morenon
Dr. Ronald Onorato
Mr. Frederick C. Williamson, Chairman & SHPO

STAFF PRESENT

Mr. Jeffrey Emidy, Sr. Project Review Coordinator
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
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
Mr. Jared L. Rhodes, Chief of Statewide Planning representing Kevin Flynn, Asso. Dir
Dr. Patricia Rubertone

II. AGENDA

1. Call to Order

The meeting was called to order at 9:35 A.M.

2. Minutes of July 9, 2008

On a motion by Mr. Goff, seconded by Mr. Hoogeboom, the Commission unanimously

VOTED to approve the Minutes of July 9, 2008.

3. Executive Director's Report

a) Mr. Brad Kopp was introduced as a newly appointed Commissioner.

b) Ms. Pamela Kennedy, Deputy Director, has retired from the RIHPHC staff after serving for 33 years. On a motion by Dr. Onorato, seconded by Dr. Malone, the Commission unanimously

VOTED to direct the Executive Director to draft a resolution of appreciation for Pam's outstanding service and dedication to the Commission's work.

c) Mr. Sanderson reported on progress in drafting amendments to the regulations for the Rhode Island Historic Preservation Investment Tax Credit. Final draft regulations were posted on September 4, 2008 and a public hearing will be held on October 6, 2008. Commission approval of the amended regulations is scheduled for the October 8, 2008 meeting.

d) Mr. Sanderson presented year-end fiscal reports for State FY 2008.

Staff are preparing the Commission's State FY 2010 Budget Request and State FY 2009 Supplemental Budget Request. One issue is personnel vacant positions for National Register Coordinator (vacant since September 2007) and Deputy Director (vacant since August 2008). Heritage Aide Mercedes Monteiro has been splitting her time between the Heritage program and the National Register program for the past year, and this situation is expected to continue.

As part of the FY 2009 Supplemental Budget Request, RIHPHC is seeking to fill the vacant Deputy Director position. This is a critical staff position at the RIHPHC because it is the senior field services professional, and it is one of only two supervisory positions; it serves as deputy director for the Commission. RIHPHC is a small agency with 17 staff. The RIHPHC staff is divided into two sections: program services and field services. Program services are directly supervised by the executive director and include regulatory review of projects; administration and review of tax credits, grants, and loans; and general office, fiscal, and

personnel management.

The Supervising Historic Preservation Specialist plans, organizes, and supervises historic preservation planning functions, identification and evaluation of historic properties, archaeology, National Register of Historic Places and State Register, certification of historical significance for tax credits, grants, and loans, local government assistance, and public information. The person appointed to this position must meet National Park Service professional qualifications and must have the ability and knowledge to participate in and supervise the work of archaeologists, historians, and architectural historians. The position is responsible for accomplishing difficult and complex work as well as reviewing and editing the work of others. As deputy director of the Commission, the position prepares the annual federal work program application to the National Park Service and the annual end-of-year report; and the position interprets and applies federal regulations and guidelines to the work of the field services section.

The State FY 2010 Budget Target for RIHPHC is an eight percent reduction in program expenses. This target cannot be met and still maintain the current level of services. In order to meet the FY 2010 Budget Target without program reductions, RIHPHC would have to eliminate all operating costs, including telephones, postage, mileage, and heating and utilities for Eisenhower House. Cutting all operating costs is not a practical option. Alternatively, Eisenhower House could be closed after June 30, 2009.

The Historical Preservation & Heritage Commission is legally mandated to provide historic preservation and heritage programs. Operating a successful events venue is not critical to the RIHPHC's mandates for historic preservation and heritage programs. Eisenhower House is the 1875 historic mansion that President Dwight Eisenhower used as a summer White House, located within Fort Adams State Park. Since RIHPHC assumed management of this facility for use for weddings, corporate and social events, we have increased earned revenue by 208%. In FY 2008, our operation of Eisenhower House deposited \$134,900 into the General Fund, and we anticipate similar earned income in FY 2009. Closing the facility after June 30, 2009 will result in the loss of revenue from the summer season.

Under the terms of the federal property transfer agreement that transferred Fort Adams from the U. S. Navy to the State for use as a park, the State has an affirmative obligation to maintain and preserve this historic building that was originally constructed as the Fort Adams Commandant's Residence. Therefore, the State would be responsible for costs associated with maintaining the historic property.

Under the ground rules set by the Budget Office, the RIHPHC budget request is required to meet annual budget targets. However, the potential reductions identified would negatively impact valuable existing services provided to Rhode Island citizens and would cost the General Fund \$134,900 in lost revenue. The Commission staff will recommend that additional operating funds be provided above the FY 2010 Budget Target in order to provide program operating funds and so that Eisenhower House may continue to function as a location for events and continue to deposit earned revenue into the General Fund.

e) Mr. Sanderson presented priorities for the federal FY 2009 Certified Local Government Grants. The recommended priorities are unchanged from previous years. Following discussion, on a motion by Dr. Onorato, seconded by Dr. Malone, the Commission unanimously

VOTED to approve the FY 2009 CLG priorities.

f) Mr. Sanderson reported on discussions with National Grid, City of Providence officials, and property-owners in the Broadway-Armory National Register Historic District regarding placement of gas meters on the exterior fronts of historic buildings.

g) Mr. Sanderson invited Commissioners to attend a social reception on October 16, 2008 at Roger Williams Park Casino in honor of the 40th Anniversary of the RI Historic Preservation Act and the creation of the Rhode Island Historical Preservation & Heritage Commission.

h) Ms. Zurier reported on completion of a number of State Preservation Grants historic restoration projects, including: Cumberland Town Hall, Brigs Farm (East Greenwich), Valentine Whitman House (Lincoln), Whitehall (Middletown), Wilkinson Mill at Old Slater Mill (Pawtucket), Helme House (Kingston), Redwood Library (Newport).

4. National Register of Historic Places

Final Approval: Manville Mill Workers Housing Historic District, Lincoln

Mr. Emidy presented information about the property. Located in Lincoln, Rhode Island, the Manville Company Worker Housing Historic District comprises 49 units of factory housing built by the Manville Company over a 70-year period from ca. 1820 to ca. 1890. These 1- to 2½-story detached frame buildings and brick rowhouses are sited on two proximate (but discontinuous) areas within a densely settled, roughly 50-acre, crescent-shaped swath of land that rises from the west bank of the Blackstone River. The worker housing built by the Manville Company during its 19th-century expansion exemplifies the varied ways that textile manufacturers working in isolated waterpower sites addressed the problem of attracting and securing a stable labor force in the first century of the American industrial revolution. In the period from 1812 to the post-Civil War rise of the Manville Company to national prominence as one of the largest cotton mills in the country, several forms of worker housing were realized. Examples of each survive in the village. Despite the mid-20th-century loss of most of the factory complex located on the Cumberland side of the Blackstone River, the establishment of the factory village on the Lincoln side of the river allowed the survival of a contiguous, crescent-shaped swath of company houses built over a 70-year period from ca. 1820 to 1890 and sold off in 1935.

Following discussion, on a motion by Dr. Malone, seconded by Dr. Onorato, the Commission unanimously

VOTED to approve the Manville Mill Workers Housing Historic District nomination.

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.