

To: Newport Historic District Commission

As Rhode Island's statewide preservation advocacy organization, Preserve Rhode Island ("PRI") has a stake in the outcome of your deliberations regarding the proposed new visitor center at the Breakers for two reasons:

1. Our mission to protect historic places in Rhode
2. Our mission to encourage public enjoyment of the state's historic places, enhancing visitor experience at Rhode Island's many historic sites.

The Breakers is both a National Historic Landmark and the most visited historic site in Rhode Island. This dual status makes the Newport Historic District's Commission's decisions about the visitor center of statewide importance. Rhode Island's historic sites, with The Breakers at the lead, are an important source of economic activity in Rhode Island. We share an interest in supporting the preservation and vitality of such places.

As Newport knows from when it sought PRI's technical advice regarding drafting the Newport Historic District Ordinance ("Newport's Ordinance"), PRI also has an interest in assisting Rhode Island communities to make great historic preservation decisions. In that spirit, PRI offers the following thoughts as the Newport District Commission ("Commission") considers whether the proposal qualifies for a Certificate of Appropriateness:

**Current Conditions are not appropriate:** Neither the tent nor port-o-johns contribute to either the historic character of the Breakers or the public enjoyment of the historic site. The current conditions of the landscape elements of the Breakers lack integrity. Surely we can do better for this very important place.

**Newport's District Ordinance is designed to protect historic assets *and* guide new growth.** Historic District Zoning in general, and Newport's Ordinance in particular, are established knowing that change will be introduced into historic areas. The dual purpose of protection and guiding change is clearly set forth in the first sentence in the Purpose section of Newport's Ordinance. Nowhere does Newport's Ordinance prohibit change – instead it seeks to guide change in ways to protect and enhance the remarkable historic character of the City.

**District review is not based on aesthetics or individual preference.** The Newport Ordinance has clearly established the "Newport Standards" that have been adapted from the Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings. The Newport Standards are to be applied in a

“reasonable manner to preserve historic districts and structures, while allowing for reasonable change, architectural variety, innovation and imagination”.

The Secretary Standards, from which the Newport Standards derive, have long provided guidance about how new construction can be successfully added to historic areas. The Standards require that new construction in historic areas be designed and constructed so that the character-defining features of the historic buildings are not radically changed, obscured, damaged, or destroyed. The standards require that proposed new construction carefully consider siting, size, design, and materials in ways that complement the historic area while clearly reading as new, not creating a false sense of history.

While many assume that decisions of the Commission can be based on aesthetics or individual preference, the Commission knows that their decisions are narrowly confined to an application of the Newport Standards as they are based on a long record of decision-making regarding how those standards, and their parent Secretary of Interior Standards, treat new construction in historic areas. The Commission is charged with determining whether the new construction will harm the historic district, not whether they (or members of the public) like or don't like the proposal.

**Alternatives to minimize harm.** Historic Preservation review is based examining alternatives to avoid, minimize or mitigate harm to historic areas. Newport's Ordinance in Section C(2)(2) calls upon the Commission to apply the standards, taking into account the relative architectural and historic significance of the structures, the integrity and condition of the historic fabric, the reasonableness of the proposed alteration, and the practical realities of the alternatives that minimize harm to the district. Examination of the alternatives considered is key to historic preservation review – providing the context to make the best decisions to protect an area's architectural and historical qualities. For instance, in the current case the “no build” alternative is itself an adverse effect as the current conditions are not in keeping with the historic significance and architectural quality of The Breakers.

**Commission's obligation to document decisions and address reasonable alternatives.** Because Newport's Ordinance was written to guide future growth, if the Commission decides not to issue a Certificate of Appropriateness, then that is not the end of the Commission's responsibilities. Upon request of the applicant, the Commission is called upon to “outline the reasonable alternatives, methods, materials or other conditions under which the activity would likely be approved”. In other words, Newport's Ordinance was specifically drafted not to leave an applicant hanging – but to give applicants guidance about how their proposals might be changed to qualify for a Certificate of Appropriateness. The Commission's response to a denial of a Certificate of Appropriateness must cite “reasonable alternatives” – the term “reasonable” has a legal meaning that implies feasible, logical, sensible and fair, but does not require whimsical or unwarranted lengths. This requirement means the Commission cannot simply wish a proposal away, but must engage with applicants to determine a reasonable course forward.

**Preserve Rhode Island's opinion:** PRI has no regulatory role in the review of the Preservation Society of Newport County (“Preservation Society”) proposal, nor are we partners with the Preservation Society in this proposal. Our only interest is as a statewide preservation organization is to help communities make

sound preservation decisions. PRI has not undertaken an in-depth review of the proposal, so the following comments are general:

In proposing the new welcome center, the Preservation Society has taken into account both of national significance of The Breakers as well as the poor current conditions of the designed landscape. They examined alternatives of introducing the visitor services within existing historic structures and concluded the effects would be adverse to those structures – we concur. They considered alternative siting of the visitor center and have proposed the location that appears most reasonable– where the impact to significant historic fabric is minimized. They have taken care to propose a design for the new building that reads as new but is of compatible quality and design. The attention to design quality of the proposed new building will complement The Breakers. They have addressed the setting of the new structure in a way that the relationship of historic buildings to each other, setbacks, fence patterns, views, driveways and walkways, and trees together are not adversely affected. They have proposed to rehabilitate the design landscape in a way that will enhance visitor's enjoyment.

Preserve Rhode Island believes that as the Commission continues its responsibility to apply the Newport Standards to the project in a reasonable way, while it may fine tune the proposal in important ways, it will do so with a finding that the property merits a Certificate of Appropriateness.

Sincerely,

Val Talmage, Executive Director

Preserve Rhode Island