

# MILLER SCOTT HOLBROOK & JACKSON

*Attorneys and Counselors at Law*

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*\*also admitted in Connecticut*

June 22, 2021

Guy E. Weston  
Administrative Officer  
City of Newport Zoning Board of Review  
City Hall – 43 Broadway  
Newport, RI 02840



IN RE: APPEAL OF VICTOR & CANDICE SANDMAN, Applicants and Owners;  
from a Decision of the Newport Historic District Commission applying to the  
property located at 15 Sherman Street, Tax Assessor's Plat 21, Lot 46.

Mr. Weston:

Please find enclosed the Notice and Claim of Appeal of Victor & Candice Sandman,  
appealing the Decision of the Newport Historic District Commission regarding the above  
captioned property. Kindly provide the following enclosed documents to the Secretary of the  
Zoning Board of Review.

- 1) Notice and Claim of Appeal;
- 2) Copy of the HDC Decision recorded on June 16, 2021;
- 3) Plat Map with 200 foot radius from the subject property with a list of abutters;

The \$200 filing fee has been enclosed as well.

A copy of this Appeal will be provided to Helen Johnson as the Historic Planner and  
Administrative Officer of the Historic District Commission.

Let me know if you require any other materials or information.

Sincerely,

J. Russell Jackson, Esq.  
Enclosure

Cc: V & C Sandman  
Spencer McCombe  
HDC-Helen Johnson  
Girard Galvin, Esq. – City Solicitor

STATE OF RHODE ISLAND  
NEWPORT, S.C.



ZONING BOARD OF REVIEW  
CITY OF NEWPORT

IN RE: APPEAL OF VICTOR & CANDICE SANDMAN, Applicants and Owners;  
from a Decision of the Newport Historic District Commission applying to the  
property located at 15 Sherman Street, Tax Assessor's Plat 21, Lot 46.

**NOTICE AND CLAIM OF APPEAL**  
**OF VICTOR & CANDICE SANDMAN**

NOW COMES Victor & Candice Sandman (hereinafter referred to as "the Appellants")  
hereby claiming an Appeal from that certain Decision of the Historic District Commission of the  
City of Newport (the "HDC") on the Appellants' application for the approval of a Certificate of  
Appropriateness for proposed modifications to their property located at 15 Sherman Street, Tax  
Assessor's Plat 21, Lot No. 46, (hereinafter, "The Decision").

The Decision was recorded on June 16, 2021 in Book 3010 at Page 230 of the City of  
Newport Land Evidence Records, a copy of which is attached hereto as "Exhibit A."

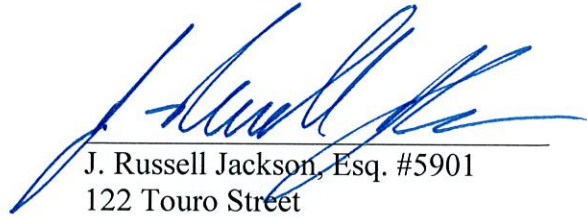
The Appellants aver that the Decision of the HDC was based on prejudicial error, clear  
error, and was not supported by the weight of the evidence in the record. The grounds for this  
Appeal will be discussed more fully in a Memorandum which shall be filed by the Appellants  
prior to any hearing before the Zoning Board of Review.

Appellants have attached hereto as Exhibit B, a copy of the plat for the subject property,  
together with a list of the abutting property owners.

WHEREFORE, for the reasons stated herein, the Appellants respectfully request that  
their Appeal be Granted; that the Decision of the HDC be overturned; that a Certificate of  
Appropriateness be issued; and that the Zoning Board of Review grant all such other relief it may  
deem appropriate.

Appellants,  
By Their Attorneys,  
Miller Scott Holbrook & Jackson

Date: June 22, 2021



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122 Touro Street  
Newport, RI 02840  
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STATE OF RHODE ISLAND  
NEWPORT, S.C.

ZONING BOARD OF REVIEW  
CITY OF NEWPORT

IN RE: APPEAL OF VICTOR & CANDICE SANDMAN, Applicants and Owners;  
from a Decision of the Newport Historic District Commission applying to the  
property located at 15 Sherman Street, Tax Assessor's Plat 21, Lot 46.

**EXHIBIT A**

**Copy of Decision Recorded June 16, 2021**

STATE OF RHODE ISLAND  
NEWPORT, Sc.

HISTORIC DISTRICT COMMISSION  
CITY OF NEWPORT

**In Re:           Application of Mr. Victor and Mrs. Candice Sandman,  
15 Sherman Street, Plat 21, Lot 46, for permission to  
construct second floor addition at East elevation.**

**DECISION**

This matter came before the Newport Historic District Commission on April 1, 2021 and May 18, 2021. Applicant, Mrs. Candice Sandman, and architect, Mr. Spencer McCombe, were present to represent the application.

On April 1, 2021 the following Commission members were present: Commissioner Elliott, Commissioner Bjork, Commissioner O'Brien, Commissioner Ryan, Commissioner Adams. The following Commission members were absent: Commissioner Ross and Commissioner Stafford.

The following testimony was heard on the matter:

1. On April 1, 2021 Mr. Spencer McCombe and Mrs. Candice Sandman presented the application to the Commission.

2. Mr. McCombe presented a 1960s era photograph of a pre-existing second floor enclosed porch addition on the East elevation. Mr. McCombe testified that they were not sure when the addition was built but they were able to identify the photograph as 1960s-era based on the car seen in the photograph.

3. Mr. McCombe testified that the applicant used this photograph to inspire the design of the proposed second floor addition. The design follows the roofline and details seen in the picture but enclosing the proposed addition more than what is seen in the existing photograph.

4. Mr. McCombe testified that this clearly reads as new construction which is one of the Standards for Treatment of Historic Properties that must be considered by the Commission. Mr. McCombe also testified that the proposed materials and details meet the Standards as well. Mr. McCombe testified that there is a precedent for this proposed addition based on the photograph submitted to the Commission.

5. After concluding the presentation Mr. McCombe asked for the Commission's feedback.

6. Commissioner Elliott stated that having a historic photo is important- it's a brilliant way to go about the design and it's a great addition.

Mr. Victor and Mrs. Candice Sandman, 15 Sherman Street, Plat 21, Lot 46

2

1  
2 7. Commissioner Adams asks for clarification of the date of the existing historic  
3 photograph presented and clarification on the original construction date of the  
4 building. Commissioner Adams also asked when the house was added to the  
5 National Register

6  
7 8. Preservation Planner Helen Johnson explained that the property is located  
8 within the Newport National Historic Landmark District and the Newport Local  
9 Historic District and it is listed as a contributing building in both those historic  
10 districts.

11  
12 9. Commissioner Adams also asked when the previously existing addition was  
13 removed and Mrs. Sandman testified that she did not know when the addition was  
14 removed.

15  
16 10. Commissioner Bjork opined on the question of when the addition was  
17 constructed, when it was removed, and whether or not the addition was that of  
18 historic significance when it existed.

19  
20 11. Commissioner O'Brien stated her concern about interrupting the façade of  
21 building. She asked if another option could be considered.

22  
23 12. Mrs. Sandman explained that the house has already gone through several  
24 transitions and the existing photograph is evidence of that particular façade  
25 having been changed multiple times. She also testified that other sides of the  
26 house are not feasible for an addition due to Zoning regulations.

27  
28 13. Chairman Bjork opened the hearing to the public. Objectors Theo  
29 Greenblatt and Deborah Merrill spoke against the proposed scope of work.

30  
31 14. Mr. McCombe stated that the proposed addition could easily be removed or  
32 reversed-as it was once before-without the existing building being impacted. The  
33 proposed addition is in the spirit of a previously existing addition that was  
34 documented in a photograph. The proposed addition is set back enough that it  
35 does not impact the principal massing of the main house.

36  
37 15. Chairman Bjork stated his opinion that the addition changes the historic  
38 character of the home and asks if the addition was on the building when it was  
39 deemed contributing. He cited Standard 17.80.060.A1.

40  
41 16. Based on the feedback from the Commission Mr. McCombe requested a  
42 continuance.

43  
44 17. A motion was made and duly seconded to continue the application to the May  
45 18, 2021 Historic District Commission meeting.  
46



1 18. Mr. McCombe and Mrs. Sandman return for the May 18, 2021 HDC meeting.  
2 Commissioners Bjork, O'Brien, Elliott, Adams, Ryan, Stafford and Ross were  
3 present for the meeting.  
4

5 19. Mrs. Sandman presented research from the Newport Historical Society to  
6 address questions from Commission members from the previous meeting. The  
7 report provided by the Newport Historical Society includes a photograph of the  
8 property from 1969 which indicates that the previous addition existed when the  
9 property was listed on the National Register.  
10

11 20. Mr. McCombe added that the photograph showing the previous addition was  
12 the photo used by the National Register nominating papers to add the property to  
13 the National Register. Mr. McCombe also explained how the proposed design  
14 addresses concerns raised by objectors at the last meeting.  
15

16 21. Mr. Ross asked when the addition was removed. Mrs. Sandman testified that  
17 they do not know when it was taken down. Mr. Ross asked when the addition  
18 was constructed and Mrs. Sandman responded saying sometime before 1969.  
19 Mrs. Sandman also reminded the Commission of the letters of support received  
20 from several abutters.  
21

22 22. Objector Greenblatt spoke against the proposed addition.  
23

24 23. Mr. Ryan stated that he agrees with the abutter and does not think the porch  
25 was historically part of the architecture of the building.  
26

27 24. Mr. Ross stated that he is a purist and the addition was not part of the house  
28 originally and he sympathizes with the abutter.  
29

30 25. Mrs. Sandman asked the Commission to weigh the opinions of those who  
31 support the application as much as those who have spoken against it.  
32

33 26. Preservation Planner Helen Johnson reminded the Commission to base their  
34 decision on the Standards for Treatment of Historic Properties and not on opinion.  
35

36 27. Commissioner Stafford agreed that the porch was not original to the house  
37 and it may have gained historic significance and refers to Standard 17.060.80.A1  
38 and requests that the proposed addition look more like what the original addition  
39 looked like if it is to be added  
40

41 28. Commissioner O'Brien agrees with Commissioner Stafford's thoughts on the  
42 proposed design or that an addition that is more in keeping with the Federal look  
43 of the existing house would be appropriate.  
44

45 29. Mrs. Sandman asked for clarification regarding Commissioners requests for a  
46 more period appropriate design.

Mr. Victor and Mrs. Candice Sandman, 15 Sherman Street, Plat 21, Lot 46

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30. Commissioner Bjork stated that the original and the proposed addition is a curiosity and is an example of the unique nature of Newport architecture.

31. Mr. McCombe pointed out that when this building was demed contributing the previous addition was in existence. He explained why the proposed design does not copy the previous existing exactly. What is proposed is in the spirit of what was there and had that addition not been in the historic photograph the applicant would not have drawn the proposed addition in such a way.

After consideration of testimony and evidence introduced at hearing, the Commission considered the following as findings of fact:

1. 15 Sherman Street is located within the Newport National Historic Landmark District and the Newport Local Historic District.
2. 15 Sherman Street is listed as a contributing building.
3. 15 Sherman Street was constructed circa 1811. It is a two story 5 bay structure with shingles on the east, south, and west elevations and clapboard on the north (street facing) elevation. It has a side gabled roof with a moderate pitch
4. The applicable Newport Standards for Treatment of Historic Properties are:

**17.80.060.A.1. Retain Historic Character** - Retain and preserve the historic character of a Contributing Structure. The removal of historic materials or alteration of features and spaces that characterize a Contributing Structure should not be undertaken.

**17.80.060.A.2. Avoid Conjecture** - The buildings of Newport are a physical record of their time, place and use. Avoid changes that create a false sense of historical development, such as adding a conjectural feature or architectural elements from other buildings.

**17.80.060.A.3. Maintain Significant Alterations** - Retain and preserve changes to a Contributing Structure that have acquired historic significance in their own right.

**17.80.060.A.4. Preserve Character - Defining Features and Workmanship** - Preserve distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a Contributing Structure.

**17.80.060.A.5. Repair before Replacement** - The historic materials out of which Contributing Structures buildings are constructed are significant and once lost, they cannot be recovered. Every effort should be made to repair rather than replace deteriorated historic fabric and features. When the severity of deterioration requires replacement of features or fabric, the replacement should match the old in materials, dimensions, design, configuration, texture and visual appearance.

**17.80.060.A.6. Avoid Damaging Treatments** - Do not use chemical or physical treatments, such as sandblasting, that cause damage to historic materials.

**17.80.060.A.7. Minimize Harm from Alterations** - Undertake exterior alterations, including new additions, in such a manner that minimizes harm to historic materials and that if removed will not change the essential form and integrity of a Contributing Structure. Make proposed additions or exterior alterations to a Contributing Structure compatible with the existing materials, features, size, visual relationships and massing to



Mr. Victor and Mrs. Candice Sandman, 15 Sherman Street, Plat 21, Lot 46

5

1 protect the integrity and scale of the original historic structure or site. Make new  
2 alterations or additions clearly discernible from the old. The differentiations may or may  
3 not be stylistic, and may be as subtle as a change in footprint or material.  
4

5  
6 Upon a motion duly made and seconded, the Commission found that the proposed  
7 changes being in conflict with the aforementioned Newport Standards for Treatment of  
8 Historic Properties; therefore the request for a Certificate of Appropriateness was denied  
9 on a 7-0 vote. Nay: Mr. Adams, Mr. Ryan (citing Standard 17.80.060.A7), Ms. Stafford,  
10 Ms. O'Brien, Mr. Ross. Yea: Mr. Elliott, Mr. Bjork  
11

12 The application failed to receive four or a majority of affirmative votes from the  
13 seven members voting, therefore pursuant to Section 17.88.040(C)(3)(f) of the code, the  
14 application was denied.  
15

16 *Karl Andrew Bjork*  
17

18 Karl Andrew Bjork, Chair

LAURA C SWISTAK  
CITY OF NEWPORT  
CITY CLERK  
Jun 16, 2021 09:27A  
BOOK: 3010 PAGE: 230

STATE OF RHODE ISLAND  
NEWPORT, S.C.

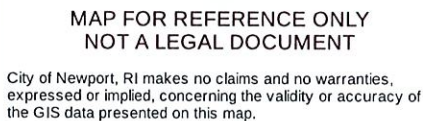
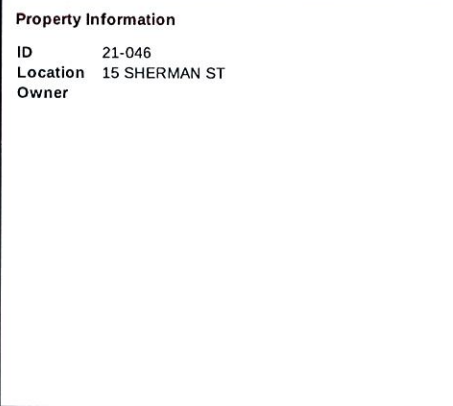
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## **EXHIBIT B**

### **Copy of Plat and Abutter List**





Print map scale is approximate.  
Critical layout or measurement  
activities should not be done using  
this resource.

MJ HOMES LLC 717 1/2 MAIN ST AGAWAM, MA 01001	FIRST BAPTIST CHURCH 30 SPRING ST NEWPORT, RI 02840	MARTIN DELFINE M & HANOIAN MARY E LIVING TRUST HANOIAN MARY E-TRUSTEE 1015 AQUIDNECK AVE MIDDLETOWN, RI 02842
MARTIN DELFINE M & HANOIAN MARY E LIVING TRUST HANOIAN MARY E-TRUSTEE 1015 AQUIDNECK AVE MIDDLETOWN, RI 02842	ARMSTRONG CHARLOTE M & ARMSTRONG CHRISTOPHER M 6 BARNEY ST NEWPORT, RI 02840	UNITED BAPTIST SOCIETY JOHN CLARKE MEMORIAL 30 SPRING ST NEWPORT, RI 02840
GILHULY THOMAS 22 VERES ST FAIRFIELD, CT 06824	ACKMAN RONALD J SPECIAL ASSET TRUST 5 SHERMAN ST NEWPORT, RI 02840	SUCSY ROBERT J 8 SHERMAN ST NEWPORT, RI 02840
BENTON GARRETT ROSS JACQUELINE C 20 SCHOOL HOUSE LANE SIMSBURY, CT 06070	PETER J BAUM AND BARBARA J BAUM IRREVOCABLE TRUST BAUM PETER J & BARBARA J TRUSTEES 9 BULL ST Newport, RI 02840	WARD MATTHEW C WARD AMANDA JILL 12 SHERMAN ST NEWPORT, RI 02840
ROBERTS HYWELL TAFF & PLUMMER ANNE SCOTT TRUSTEES 222 WEST WABASHA ST WINONA, MN 55987	KILMER ELIZABETH ANN CO-TRUSTEE & RAYNER ELLEN LOUISE CO-TRUSTEE 12 BARNEY ST NEWPORT, RI 02840	GREGOIRE KIMBERLY S & PRIOR DORCAS T & NESTI MICHAEL L 143 SO MAIN ST WALLINGFORD, CT 06492
ZALO ONE LLC 324 JEPSON LN PORTSMOUTH, RI 02871	SYRE ROBERT M 4017B BLUE HERON DRIVE GULFPORT, MS 39501	ACKERMAN ANDREW S DEBRA S 527 THAMES ST NEWPORT, RI 02840
MITTLEMAN ROBERT & SOLOMON JILL 29 HANSON ST BOSTON, MA 02118	GOLDMAN ROSALIE G 2016 TRUST GOLDMAN ROSALIE F TRUSTEE 13 BULL ST NEWPORT, RI 02840	ALOSE THOMAS G & JOAN A TRUSTEES 17 BULL ST NEWPORT, RI 02840
SHERMAN PETER K & SHERMAN AMY CURRY 30 MAIN ST BROOKLYN, NY 11201	WALZ JOANNE 37 KINGSWOOD RD NORTH KINGSTOWN, RI 02852	BRIAN C PELLETIER & ANNETTE T PELLETIER IRREVOCABLE INCOME T 18 BARNEY ST NEWPORT, RI 02840
WALZ JOANNE 37 KINGSWOOD RD NORTH KINGSTOWN, RI 02852	BUCHMUELLER ROSS PAMELA 21 BULL ST NEWPORT, RI 02840	SULLIVAN MICHAEL E SAUNDERS 25 BULL ST NEWPORT, RI 02840
BRIAN C PELLETIER & ANNETTE T PELLETIER IRREVOCABLE INCOME T 28 SHERMAN ST NEWPORT, RI 02840	CATHOLIC CEMETERY BARNEY STREET NEWPORT, RI 02840	LAFRENIERE KEVIN F & MCMURRAY EMILY R 16 MT VERNON ST Newport, RI 02840



CONOVER KATHLEEN M 18 MT VERNON ST NEWPORT, RI 02840	GLASSER FAMILY TRUST 2021 THE GLASSER MORTON & IRENE TRUSTEES 11 BULL ST Newport, RI 02840	RINALDI YOUNG KEVIN N MEGHAN 5 RUSSO CT NEWPORT, RI 02840
MERRILL DEBRA A 1 RUSSO CT NEWPORT, RI 02840	MERRILL DEBRA A 3 RUSSO CT NEWPORT, RI 02840	WALZ JOANNE 37 KINGSWOOD RD NORTH KINGSTOWN, RI 02852
DESIMONE JOHN A & DESIMONE AUDREY 19 CONNELLY HILL RD HOPKINTON, MA 01748	FERNANDEZ MARK C & FERNANDEZ LAURA B 23 SHERMAN ST NEWPORT, RI 02840	LOUISE HENDRY TRUST HENDRY LOUISE TRUSTEE 205 ROWAYTON WOODS DR NORWALK, CT 06854
DESIMONE JOHN A & DESIMONE AUDREY 19 CONNELLY HILL RD HOPKINTON, MA 01748	10 BARNEY NEWPORT LLC 370 INVERNESS LN LONGMEADOW, MA 01116	HARTNETT WILLIAM C 26 SHERMAN ST NEWPORT, RI 02840
SPRING HOLDINGS LLC C/O SIMMONS ASSOC LTD 56 PINE STREET PROVIDENCE, RI 02903	PARADISE JAMES L 35 PECKHAM LANE MIDDLETOWN, RI 02842	24 BARNEY STREET LLC 256 WOODLAND RD AUBURNDALE, MA 02466
STEVENSON JAMES R & NYHAN SALLY C 35 CHATHAM DR MANCHESTER, CT 06042	HAROLD AND FAYE COOK LIVING TRUST COOK HAROLD J & FAYE TRUSTEES 12 MT VERNON ST, Unit 1 Newport, RI 02840	PULLAR BENITA ALEXANDER 12 MT VERNON ST UNIT 2 NEWPORT, RI 02840
ABELSON ROBERT & TOSCANO CAROL 31 EAST 12 STREET APT 4A NEW YORK, NY 10003	OBRIEN ELLEN P MT VERNON MANOR TOWNHOUSE 4 12 MOUNT VERNON ST NEWPORT, RI 02840	MULRY ERIN L 12 MT VERNON ST 5 NEWPORT, RI 02840
SHIELDS MICHAEL S & GREENBLATT VIRGINIA 17 SHERMAN ST NEWPORT, RI 02840	WHITE HILARY FEARON IRREVOCABL E TRUST 22 SHERMAN ST NEWPORT, RI 02840	WALSH DONALD M & WALSH JANE A 19-1/2 SHERMAN ST UNIT A (REAR NEWPORT, RI 02840
RAFFA ELIZABETH A 19 1/2 SHERMAN ST UNIT B NEWPORT, RI 02840	SMITH PHILMORE H JANICE SERAFINI-SMITH 282 SAWMILL RD WEST SPRINGFIELD, MA 01089	MANSHADI ARMAN 19 SHERMAN ST NEWPORT, RI 02840
TEUSCHER BOWEN 19 SHERMAN ST 2A NEWPORT, RI 02840	GRAYSON TYLER 19 SHERMAN ST, Unit 2B Newport, RI 02840	CARROLL JANE H 53 WASHINGTON SQ APT 2A SALEM, MA 01970

GOLDEN JENNIFER

19 SHERMAN ST, Unit 3B  
Newport, RI 02840