**STATE OF RHODE ISLAND HISTORIC DISTRICT COMMISSION**

**NEWPORT, Sc. CITY OF NEWPORT**

In Re: September-6 Application of Mr. Luke Fluery, 34 Elm Street, Plat 16, Lot 42, for permission to replace 26 windows with Brosco single glazed wood double hung windows to match existing in size and number of lights.

**DECISION**

This matter came before the Newport Historic District Commission September 15, 2020. Mr. Mark Rapp, architect, was present to represent application.

 The following testimony was heard on the matter:

1. On September 15, 2020 Mr. Mark Rapp presented the application to the Commission.

2. Mr. Rapp testified that the applicant hired him to design the interior of the residence and that before Mr. Rapp had been hired, the existing windows had been replaced prior to HDC approval.

3. Mr. Rapp testified that the replacement windows are Brosco wood single pane putty glaze with a storm panel on the exterior.

4. Preservation Planner, Helen Johnson asked for clarification regarding the replacement window design.

5. Mr. Rapp testified that the replacement windows are single pane, putty glazed with a storm panel attached separately.

6. Chairman Bjork instructed Commission members to review this application as if they were seeing it for the first time, prior to the windows being removed.

7. Commissioner Stafford asked for a description of the windows prior to removal, specifically material and condition.

8. Mr. Rapp responded that he could not answer that question accurately since he was hired after the windows were replaced.

9. Commissioner Stafford asked if any original windows were removed entirely or were any windows added.

10. Mr. Rapp testified that no windows were re-arranged.

11. Commissioner Ross commented that it is very difficult to consider an application for window replacement when the commission has no information about the windows which were replaced. Commissioner Stafford agreed that there is a lack of information.

12. Chairman Bjork agreed with Commissioner Ross and stated that without information such as material and condition the Commission would not be able to approve a request for window replacement.

13. Commissioner Szapary commented that from the photographs provided by the applicant it appears the windows prior to replacement were original and without a window inventory it is very difficult to retroactively approve the application before the Commission.

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

1. 34 Elm Street is located in the Newport National Historic Landmark District and the Newport Local Historic District.

2. 34 Elm Street was constructed circa 1825 and is listed as a contributing building.

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

Upon a motion duly made and seconded, the Commission found that the proposed changes being in conflict with the aforementioned Newport Standards for Treatment of Historic Properties; therefore the request for a Certificate of Appropriateness was denied on a 7-0 vote.

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

Karl Bjork, Chair

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Diana Sylvaria, Vice Chair

Nancy Stafford, Secretary