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## NEWPORT

# Delay of welcome center appeal denied

By Sean Flynn  
Staff writer

The city's Zoning Board of Review decided Monday night it will hear arguments at the end of the month on the Preservation Society of Newport County's appeal to build a welcome center at The Breakers, despite a request by an opposing attorney for more time.

"We are definitely going forward on Jan. 27," said Lynn Ceglie, who is acting board chairwoman for this matter. Chairwoman Rebecca McSweeney, an

attorney, has said she has a conflict of interest since she has represented the Preservation Society in the past.

Attorney Turner C. Scott represents the Bellevue Ochre Point Neighborhood Association, which opposes the Preservation Society's plan. He asked for more time given the length of the initial brief filed by attorney William Landry, who represents the Preservation Society.

Landry introduced arguments and materials he was not expecting, Scott argued.

The schedule for filing briefs, rebuttals and making oral arguments was set in October, Landry argued, and the Preservation Society has a timetable it is trying to adhere to.

Both attorneys filed initial briefs on Dec. 23. They had until Monday, Jan. 13, to file a response to the other's argument, but Ceglie extended that date to Friday, Jan. 17, which still gives board members 10 days to review the final submission of written documents before the oral arguments, she said.

The city's Historic District

Commission voted 4-3 to reject the welcome center on Aug. 27, and then issued a written decision on Sept. 17.

The HDC wrote the proposed welcome center "would not be compatible with the Beaux-Arts, Italian High Renaissance style architecture of the historic buildings on the site. The proposed new construction would introduce stylistic elements to the property that are not present on or harmonious with the historic buildings, such as complex curvaceous roofs, extensive use of copper, and curvaceous

ornamental window mullions."

The Preservation Society is asking the five-member Zoning Board, which has two alternate members to fill in when a regular member has a conflict or is absent, to overturn that decision.

The decision "was in fact against the weight of the evidence ... and was riddled with clear legal error in that the wrong legal standards were applied by the staff member, resulting in a flawed result by the HDC," Landry

**APPEAL A6**

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## Appeal

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wrote in his brief.

He argued that architect Alan Joslin of Epstein Joslin Inc. in Cambridge, Mass., and his design team “selected materials that are used on the property and in the neighborhood” for the welcome center.

“The Newport standards also call on architects to not ‘copy’ or ‘replicate’ historic structures on properties in the Historic District so as not to create ‘a false historic appearance,’” Landry wrote.

“This is precisely the balance that Joslin struck here,” Landry wrote. “Deliberately copying the ‘red roof and limestone’ architectural features of The Breakers main building would have violated these standards; made the Welcome Center far too conspicuous; and created a false sense of historic development.”

In order to succeed in its appeal, the Preservation

Society must show “blatant, clear-cut errors” in the Historic District Commission’s decision, Scott argued.

“Rather, the Society quibbles about such things as how to interpret various provisions of the Newport Historic District Commission ordinance, whether the commission properly applied National Park Service and other review criteria, and other matters that are within the jurisdiction of the HDC to determine,” Scott countered.

Landry noted in his brief that the state Historical Preservation & Heritage Commission, comprised of 16 experienced preservation architects and other professionals, extensively reviewed the plan in 2013 before the HDC took it up, made some changes, and then approved the plan. He argued that the HDC should have considered the state commission’s work product, which HDC Chairman John Shehan did not allow.

The state Historical

Preservation & Heritage Commission’s report “was properly excluded as hearsay, which in Rhode Island is defined as an out-of-court utterance that is being offered to prove the truth of the matter asserted therein,” Scott countered.

This is “a matter entirely within the jurisdiction of the Newport Historic District Commission,” he argued.

Trudy Coxe, the Preservation Society’s executive director, noted after Monday’s meeting that the state Historical Preservation & Heritage Commission holds a historic preservation easement and deeded property interest in The Breakers.

The state commission members conducted an on-site inspection of the project area, conducted public hearings, heard expert testimony and issued two extensive reports on the welcome center project before approving it, Landry wrote in his brief.

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