

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER HPB 2009-06
THE COTTAGE: NEWTON PARK PROPERTY

A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF FORT MYERS BEACH, FLORIDA:

WHEREAS, the Local Planning Agency of the Town of Fort Myers Beach, Florida, serves as the historic preservation board for the Town of Fort Myers Beach ("HPB") pursuant to Chapter 22, Article II, Division 2, Section 22-71 and Chapter 30, Section 30-56(b) of the Land Development Code ("LDC") of the Town of Fort Myers Beach; and

WHEREAS, the HPB is vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, and architectural resources in the Town, pursuant to LDC Section 22-71; and

WHEREAS, the HPB has the power and duty to designate eligible historic resources; evaluate the significance and eligibility of historic resources for designation pursuant to Chapter 22 of the LDC; approve, deny or approve with conditions applications for special certificates of appropriateness applicable to historic resources designated pursuant to Chapter 22; and to record and maintain records of the actions and decisions of the HPB, pursuant to Section 22-74 of the LDC; and

WHEREAS, Section 22-103(a)(1) of the LDC requires the HPB to issue a special certificate of appropriateness prior to initiation of any work involving alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original appearance of a designated historic resource; and

WHEREAS, Section 22-103(a)(3) of the LDC states that a special certificate of appropriateness may also be issued to reverse or modify the directors decision regarding an application for a regular certificate or appropriateness; and

WHEREAS, the Town of Fort Myers Beach ("applicant") is the owner of the structure called the Cottage on the Newton Park Property, with a physical address of 4650 Estero Boulevard, Fort Myers Beach, Lee County, Florida 33931 and a STRAP Number of 29-46-24-W3-0080H.0010 and with a legal description as set forth on Exhibit A, which is hereby incorporated by reference (the "subject property"); and

WHEREAS, the Town Historic Preservation Board designated the Cottage as an historic resource in 2004 in HPB Resolution FMBHD 2004-02, pursuant to LDC Chapter 22, Article II, Division 3; and

WHEREAS, the Town Department of Community Development received an application in November, 2008, from the owner's representative for a special certificate of appropriateness (SCA) for either (i) demolition of the Cottage or (ii) relocation of the Cottage; and

WHEREAS, a public hearing on the SCA was legally advertised and held before the Historic Preservation Board of the Town of Fort Myers Beach, Florida on March 10, 2009; and

WHEREAS, at such hearing, the HPB gave full and complete consideration to the application for a special certificate of appropriateness, recommendations of staff, the documents in the file, and the testimony of all interested persons.

NOW, THEREFORE BE IT RESOLVED BY THE HISTORIC PRESERVATION BOARD OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

The HPB **APPROVES/DOES NOT APPROVE** the issuance of a special certificate of appropriateness for demolition of the subject property, subject to the conditions set forth below: **[NOTE: Conditions would only apply in the event of approval]**

1. The Applicant must submit all documentation required by the Florida Department of State Division of Historical Resources (DHR) per the letter dated September 3, 2008 (**Exhibit A**), and any other documentation that may subsequently be required by DHR to _____; and
2. Prior to issuance of a demolition permit, the Applicant must provide evidence from DHR and Florida Communities Trust to _____ that requirement under #1 above and all other requirements imposed by the State of Florida have been satisfied.
3. This certificate of appropriateness does not abrogate any provision of any agreement affecting the subject property, and only authorizes the proposed demolition to the extent that demolition of a designated historic resource is regulated by LDC Chapter 22.
4. This approval does not constitute the issuance of an order of demolition as provided for in LDC Section 22-104(a).

The HPB **APPROVES/DOES NOT APPROVE** the issuance of a special certificate of appropriateness for relocation of the subject property, for the following reason(s):

_____.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the presentations by Applicant, staff, and other interested parties at the hearing, and review of the application and the standards for issuance of a special certificate of approval, the HPB makes the following findings and conclusions:

1. The HPB finds that the building or structure **IS/IS NOT** of such interest or quality that it would reasonably meet national, state, or local criteria for additional designation as a historic or architectural landmark, pursuant to the requirements of LDC Section 22-104(d).

The report prepared by a licensed architect and supplied by the applicant suggests that the structure's integrity in the area of architectural significance has been compromised, partly due to its relocation in the 1940s. A letter from the Director of the State of Florida Division of Historic Resources to the Florida Communities Trust, which oversees the compliance with deed restrictions on the property, stated that "because of extensive alterations [...] it is our opinion that this residence is not eligible for listing in the National

Register of Historic Places.” (See **Exhibit A**). It appears that the building is not of such quality that it would meet national criteria for designation. There is no additional local designation beyond that conferred by this Board in 2004.

2. The HPB finds that the building or structure **IS/IS NOT** of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense, pursuant to the requirements of LDC Section 22-104(d).

Similar materials, though not fashionable at present, could be used to construct a new building on the site or elsewhere in compliance with all applicable codes. Design of a new building on the site or elsewhere would be required to meet all applicable codes, but could otherwise be similar.

3. The HPB finds that the building or structure **IS/IS NOT** one of the last remaining examples of its kind in the neighborhood, the town, the county, or the region, pursuant to the requirements of LDC Section 22-104(d).

Many other extant structures were first placed on Estero Island in the 1940s and 1950s. Some of those structures were relocated from their original sites. Actual documentation of building relocation and construction, particularly prior to the 1960s, is rare. The coquina fireplace within the Cottage is unusual, but other extant structures on Estero Island have fireplaces.

4. The HPB finds that the building or structure **DOES/DOES NOT** contribute significantly to the historic character of a designated historic district, pursuant to the requirements of LDC Section 22-104(d).

No historic districts have been designated within the Town of Fort Myers Beach.

5. The HPB finds that retention of the building or structure **WOULD/WOULD NOT** promote the general welfare of the town by providing an opportunity for the study of local history or prehistory, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage, pursuant to the requirements of LDC Section 22-104(d).

Proper documentation of the structure’s characteristics prior to demolition, in accordance with the recommended conditions, could provide an opportunity for the study of local history and architecture similar to what would be available if the structure were rehabilitated. Understanding of the importance and value of the Town’s heritage will be fostered by the rehabilitation and adaptive reuse of the Seven Seas building.

6. The HPB finds that there **ARE/ARE NOT** definite plans for reuse of the property if the proposed demolition is carried out, pursuant to the requirements of LDC Section 22-104(d). The effect of those plans on the character of the surrounding area **WOULD BE AS FOLLOWS:** _____

The property is planned to be reused as a community park, which will include the grounds surrounding the restored Seven Seas building. Although the Seven Seas

building was never present on its respective site at a time when the Cottage was not on its adjacent site, the Newton family did not own the Cottage site until 1972. Other nearby structures, such as the building at 4700 Estero Boulevard that was owned for many years by the Grace family, were present before and during the time the Seven Seas building was occupied by the Newton family and those structures are not required to be preserved for that sole reason, or for any reason.

7. The HPB finds that demolition of the designated building or structure **HAS/HAS NOT** been ordered by the appropriate agency due to unsafe conditions, pursuant to the requirements of LDC Section 22-104(d).

There has been no order of demolition of the subject property for any reason.

8. The HPB finds that the criteria for issuance of a certificate of appropriateness (regular or special) pursuant to the requirements of LDC Section 22-101(b) **HAVE/HAVE NOT** been met by this application, to the extent that such criteria may apply

9. There **ARE/ARE NOT** definite plans for reuse of the property and no building permit or development order is required for the proposed use of the property, pursuant to the requirements of LDC Section 22-101(e).

A building permit or development order for new construction has not been applied for. However, the plans for reuse of the property do not require new construction on this site and therefore a building permit and/or development order may not be required.

The foregoing Resolution was adopted upon a motion by HPB Member Van Duzer and seconded by HPB Member Yerkes. Upon being put to a vote, the result was as follows:

Evie Barnes	Rochelle Kay	
Alan Mandel	Joanne Shamp	
Bill Van Duzer	Dennis Weimer	Joe Yerkes

DULY PASSED AND ADOPTED THIS 10th day of March, 2009.

HPB of the Town of Fort Myers Beach

By: _____
Joanne Shamp, HPB Chair

Approved as to legal sufficiency:

ATTEST:

By: _____
Anne Dalton, Esquire
LPA/HPB Attorney

By: _____
Michelle D. Mayher, Town Clerk

**FORT MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
HISTORIC PRESERVATION STAFF REPORT**

TYPE OF CASE: Certificate of Appropriateness

CASE NUMBER: FMBCOA2009-0002

**HISTORIC PRESERVATION
BOARD HEARING**

DATE: March 10, 2009

I. APPLICATION SUMMARY

Applicant: Town of Fort Myers Beach (hereinafter “the applicant”)

Requests: A Special Certificate of Appropriateness under LDC Sections 22-103 and 22-104 for demolition of the designated historic resource known as “the Cottage”; alternatively, a Special Certificate of Appropriateness under LDC Sections 22-103 and 22-105 for relocation of the designated historic resource known as “the Cottage.”

Location: 4610 Estero Boulevard, legally described as Lots 3 and 4, Block H, Hyde Park Subdivision, as recorded in Plat Book 7, Page 20, Public Records of Lee County, Florida.

Future Land Use

Map Category: Recreation

Zoning: RC (Residential Conservation)

Current Uses: Park, neighborhood; vacant dwelling

Adjacent Future Land Use Map (FLUM) category, Zoning and existing land uses:

Northeast: Mixed Residential FLUM, RPD zoning (White Cap condo), then RM zoning (Ocean Harbor condo)

Southwest: Recreation FLUM, EC zoning (beach), then Gulf of Mexico

Northwest: Mixed Residential FLUM, RM zoning (Strandview Avenue, then Strandview Tower condo)

Southeast: Mixed Residential FLUM, RC zoning (single-family residences)

II. RECOMMENDATION

Staff recommends that the Historic Preservation Board (HPB) **APPROVE** the Special Certificate of Appropriateness (SCA) for demolition of the structure known as “the Cottage” located on the subject property. Staff recommends that the HPB find that the petition meets the applicable standards provided in LDC Sections 22-101(b) and 22-104. If the HPB wishes to deny the requested SCA for demolition, staff recommends that the HPB also **DENY** the SCA for relocation, because sufficient information about the relocation site has not been provided to address the standards of LDC Section 22-105.

Recommended conditions for approval of SCA for demolition of “the Cottage”:

1. Submit all documentation required by the Florida Department of State Division of Historical Resources (DHR) per the letter dated September 3, 2008 (**Exhibit A**), and any other documentation that may subsequently be required by DHR, to Florida Communities Trust and/or DHR, as may be required by those agencies. Prior to issuance of a demolition permit, provide evidence from Florida Communities Trust to the Town Department of Community Development that this requirement and all other requirements imposed by the State of Florida have been satisfied.
2. This certificate of appropriateness does not abrogate any provision of any restriction or agreement affecting the subject property.
3. A demolition permit may not be issued unless a governmental body or board or a court of competent jurisdiction has ordered demolition of the structure.

Recommended Findings and Conclusions

LDC Section 22-103(e) requires that all decisions of the HPB be in writing and include findings of fact. The criteria for issuance of an SCA are referenced in LDC Section 22-101(b), and include the Secretary of the Interior’s *Standards for Rehabilitation* and any specific guidelines set out in the resolution designating a historic district in which the property is located. The Secretary of the Interior’s *Standards* are attached to this Report as **Attachment “A”**. As noted therein, consideration of the application of the Secretary of the Interior’s standards can take into account economic and technical feasibility. The *Standards* apply to rehabilitation projects.

In addition to the general standards under LDC Section 22-101(b), additional specific criteria for consideration by the HPB in requests for demolition are provided in LDC Section 22-104. For relocation, additional criteria are provided in LDC Section 22-105.

HPB Resolution FMBHD 2004-02 (attached as **Exhibit “B”** and incorporated by reference), by which the HPB designated the structure a historic resource, appears not to

contain any guidelines for historic preservation treatments of any structure located on Lots 3 and 4, Block H, Hyde Park Subdivision. Staff recommends that the HPB find that HPB Resolution FMBHD 2004-02 **does not** contain specific guidelines related to the structure known as “the Cottage.”

Staff recommends that the HPB make the following findings and conclusions in accordance with the Secretary of the Interior’s *Standards for Rehabilitation* (**Attachment “A”**) referenced in LDC Section 22-101(b).

Section 67.7(b) of the *Standards* provides that the “standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into account economic and technical feasibility”. The term “rehabilitation” is defined in Title 36, Section 67.2 of the *Code of Federal Regulations* as “the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the building and its site and environment which are significant to its historic, architectural, and cultural values”. The applicant does not propose to return the building to a state of utility through repair or alteration, and therefore does not propose a rehabilitation project. Staff recommends that the HPB find that the proposed demolition project is not a rehabilitation project and therefore meets the standards referenced in LDC Section 22-101(b) in that 36 CFR Section 67.7(b) only requires the application of the specific standards of 36 CFR Sections 67.7(b)(1) through 67.7(b)(10) to rehabilitation projects.

LDC Section 22-104 contains specific criteria for the Historic Preservation Board to consider for issuance of an SCA for demolition. The LDC does not require that all of, or any specific subset of, these criteria be answered affirmatively for approval of the request, but the HPB’s decision must be supported by findings of fact. Staff recommends the following findings regarding the criteria:

1. Is the building or structure of such interest or quality that it would reasonably meet national, state, or local criteria for additional designation as a historic or architectural landmark?

The report prepared by a licensed architect and supplied by the applicant suggests that the structure’s integrity in the area of architectural significance has been compromised, partly due to its relocation in the 1940s. (See **Exhibit C**). A letter from the Director of the State of Florida Division of Historic Resources to the Florida Communities Trust, which oversees the compliance with deed restrictions on the property, stated that “because of extensive alterations [...] it is our opinion that this residence is not eligible for listing in the *National Register of Historic Places*.” (See **Exhibit A**). It appears that the building is not of such quality that it would meet national criteria for designation. There is no additional local designation beyond that conferred by this Board in 2004. Staff recommends the finding that the building **is not** of such interest or quality that it would reasonably meet national, state, or local criteria for additional designation.

2. Is the building or structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense?

Similar materials, though not fashionable at present, could be used to construct a new building on the site or elsewhere in compliance with all applicable codes. Design of a new building on the site or elsewhere would be required to meet all applicable codes, but could otherwise be similar. Staff recommends the finding that the building **is not** of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

3. Is the building or structure one of the last remaining examples of its kind in the neighborhood, the town, the county, or the region?

Many other extant structures were first placed on Estero Island in the 1940s and 1950s. Some of those structures were relocated from their original sites. Actual documentation of building relocation and construction, particularly prior to the 1960s, is rare. The coquina fireplace within the Cottage is unusual, but other extant structures on Estero Island have fireplaces. Staff recommends the finding that the building **is not** one of the last remaining examples of its kind in the neighborhood, the town, the county, or the region.

4. Does the building or structure contribute significantly to the historic character of a designated historic district?

No historic districts have been designated within the Town of Fort Myers Beach. Staff recommends the finding that the building **does not** contribute to the historic character of a designated historic district.

5. Would retention of the building or structure promote the general welfare of the town by providing an opportunity for the study of local history or prehistory, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage?

Proper documentation of the structure's characteristics prior to demolition, in accordance with the recommended conditions, could provide an opportunity for the study of local history and architecture similar to what would be available if the structure were rehabilitated. Understanding of the importance and value of the Town's heritage will be fostered by the rehabilitation and adaptive reuse of the Seven Seas building. Staff recommends the finding that retention of the building **would not** promote the general welfare of the town by providing an opportunity for the study of local history or prehistory, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

6. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

The property is planned to be reused as a community park, which will include the grounds surrounding the restored Seven Seas building. Although the Seven Seas building was never present on its respective site at a time when the Cottage was not on its adjacent site, the Newton family did not own the Cottage site until 1972. Other nearby structures, such as the building at 4700 Estero Boulevard that was owned for many years by the Grace family, were present before and during the time the Seven Seas building was occupied by the Newton family and those structures are not required to be preserved for that sole reason, or for any reason. Staff recommends the finding that **there are** definite plans for reuse of the property, and that the effect of those plans on the character of the surrounding area will be **acceptable**.

7. Has demolition of the designated building or structure been ordered by the appropriate agency due to unsafe conditions?

Demolition has not been ordered due to unsafe conditions.

In addition, under LDC Section 22-104(e), unless demolition has been ordered by a court of competent jurisdiction or another governmental body, a special certificate of appropriateness for demolition of a designated building or structure shall not be issued until there are definite plans for reuse of the property and a building permit or development order for the new construction has been applied for. A building permit or development order for new construction has not been applied for. The preliminary site plan attached to the applicant's application indicates pathways, picnic tables, and a shuffleboard court on the property currently occupied by the Cottage. A development order for these improvements may or may not be required under LDC Chapter 2, Article VI.

III. BACKGROUND, ANALYSIS, AND CONCLUSIONS

Introduction and Background

The Town of Fort Myers Beach has requested a Special Certificate of Appropriateness (SCA) to allow demolition of the structure known as "the Cottage" on the Newton Park property, specifically described as Lots 3 and 4, Block H, Hyde Park Subdivision. Alternatively, the applicant requests an SCA to allow relocation of the structure known as "the Cottage" to an undisclosed location. The Cottage was designated a historic resource by the Town's Historic Preservation Board (HPB) in Resolution FMBHD 2004-02 (**Exhibit B**), adopted March 16, 2004.

An SCA is required under LDC Sections 22-101 and 22-103(a) prior to the initiation of any work involving alteration, demolition, relocation, reconstruction, excavation, or new construction which will result in a change to the original appearance of a designated historic resource. Either demolition or relocation of the structure would result in a change to its original appearance.

At a noticed public meeting on February 10, 2009, the HPB did not pursue the Community Development Director's recommendation that the HPB initiate the notice and hearing process to withdraw the designation of "the Cottage" as a historic resource. The hearing of the applicant's requests for SCA has therefore been scheduled and noticed.

Analysis

The report prepared by a licensed architect and provided by the applicant opines that "While the Cottage has some unique architectural details such as the five panel doors, window and door trim and the coquina fireplace, the building is not unique enough [sic] for the architecture to be the sole factor which determines significance." The report goes on to conclude that the building would not be considered historic by the standards of the National Register of Historic Places. However, the report also comments that the presence of the Cottage on the site is a part of the Seven Seas building's integrity of setting, as that building was never located on its site without the Cottage on the adjoining property (See **Exhibit C** for relevant extracts from this report).

The chain of title for the subject property makes it clear that the Cottage property, Lots 3 and 4 of Block H, was not owned by James and Eleanor Newton prior to 1972. To the extent the it is associated with the lives of people significant in local, national, or international history, the Cottage developed that association within the period of time within which resources are not generally eligible for designation (i.e. 50 years prior to the date of proposed designation).

The architect's report, dated March 2007, also estimates the cost of recommended repairs and refurbishing to the Cottage at \$146,300, plus a 20% cost escalation and contingency factor for potential increases over time while a funding source is found and plans are developed, plus further costs for the preparation of architectural plans.

A letter dated September 3, 2008, from the Director of the State of Florida Division of Historic Resources (DHR) concurred with the architect's report, noting that "because of extensive alterations [...] it is our opinion that this residence is not eligible for listing in the *National Register of Historic Places*." (**Exhibit A**)

The letter from DHR went on to recommend "mothballing" the Cottage building for possible future adaptive reuse. The applicant does not propose mothballing the building, and the management plan for Newton Park does not include a mothballed building in the proposed park setting. If mothballing were infeasible, the DHR letter stated, "demolition would be acceptable following completion and acceptance of [specified] documentation." The recommended conditions would require the completion and acceptance of this

documentation by FCT and DHR prior to demolition, if the HPB chooses to approve the request with these conditions.

Relocating the Cottage building to another site and mothballing it or rehabilitating it at the new site could be an alternative to demolition, but the applicant does not advance this as the preferred alternative. The cost to relocate the building would be added to the estimated costs for repairing and refurbishing the Cottage quoted above, or to the cost for mothballing it thoroughly. Mothballing a building may not comply with LDC Section 6-2, which establishes minimum property maintenance standards for the exterior surfaces of buildings.

The applicant has not provided a specific proposal for rehabilitation of the building, and has not provided information that would allow the HPB to consider all of the criteria in LDC Section 34-105 for relocating the building. In particular, since no site for the relocation is identified, the HPB would be unable to consider the proposed new setting and its general environment, or whether the proposed site is compatible with the historical and architectural character of the building. For this reason staff has recommended that the HPB deny the special certificate of appropriateness for relocation at this time. The applicant would be free to resubmit the relocation application and include the additional material for a future hearing, or take other action.

Conclusion

Staff recommends that the HPB find that the proposed demolition project complies with the applicable standards under LDC Sections 22-101(b) and 22-104, as detailed above. Staff recommends **APPROVAL, with conditions** of the requested special certificate of appropriateness for demolition of the structure known as “the Cottage.”

Staff recommends that the HPB find that insufficient information was provided by the applicant to review the request for special certificate of appropriateness for relocation of “the Cottage.” Staff recommends that the HPB **DENY** the requested SCA for relocation.

Exhibits

“**A**” Letter from Florida Department of State, Division of Historic Resources regarding “the Cottage” structure.

“**B**” Resolution FMBHD 2004-02

“**C**” Extracts from Newton Beach Park Cultural Enhancement Plan, dated March 2007 and prepared (in pertinent part) by Renker Eich Parks Architects Inc.

Attachment

“**A**” Standards for Rehabilitation, 36 CFR 67.7



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 3, 2008

Mr. Grant Gelhardt
Florida Communities Trust Program
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Proposed Demolition of Cottage at Newton Park, Lee County
DHR Project File No.2008-5598, Received: August 21, 2008

Dear Mr. Gelhardt:

As requested by Ms. Sara Leitman of your staff, we have reviewed Mr. W. Scott Janke's August 21, 2008 request, on behalf of the Town of Fort Myers Beach, to demolish the building known as the Cottage on the Newton Beach Park property. The Town's request has been reviewed in accordance with Section 267.061(2), *Florida Statutes*. This review is based on the recommended approaches to rehabilitation set forth in *The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*.

In our May 14, 2007 letter regarding the historic properties on the Newton Park property, we indicated that the Cottage, relocated to the property over 60 years ago, is considered to be of historic importance. However, because of extensive alterations, as documented in the *Cultural Resources Enhancement Plan for Newton Beach* prepared by Rinker Eich Parks Architects, it is our opinion that this residence is not eligible for listing in the *National Register of Historic Places*.

While adaptive reuse of the Cottage to provide support facilities for the park is recommended, given the Town's commitment to rehabilitate the Newton Residence (*Seven Seas*), a property considered to be eligible for the *National Register of Historic Places*, and the limited funding available for treatment of the Cottage, we recommend consideration of mothballing the building for possible future adaptive reuse. If mothballing is determined by the Town to be infeasible, demolition would be acceptable following completion and acceptance of the following documentation by this office: (a) an updated Florida Master Site File form for the building (8LL2038), (b) architectural documentation of the Cottage consistent with the Level 3 standards of the Historic American Building Survey (see www.flheritage.com/preservation/compliance/review/HABS.pdf), and (c) a Florida Master Site File form for *Seven Seas* (currently unrecorded).

Mr. Grant Gelhardt

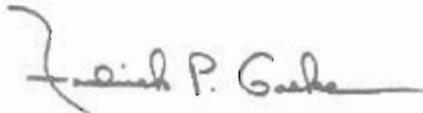
September 3, 2008

Page Two

Also please note that planning documents for the improvement of the park, including the rehabilitation of *Seven Seas*, must be submitted to this office for review prior to initiation of construction. Our review of these documents is authorized by Section 267.061(2) Florida Statutes, and will be guided by the above referenced *Standards*. The Town is encouraged to submit planning documents as early as possible in the planning process (e.g. at the advanced schematic design stage) to allow identification of possible historic preservation concerns and avoidance of costs and project delays associated with plan revisions.

Should you have any questions regarding our review comments, please contact David Ferro, R.A., of my staff at 850-245-6363.

Sincerely,

A handwritten signature in black ink that reads "Frederick P. Gaske". The signature is written in a cursive style with a long horizontal line extending to the right.

Frederick P. Gaske, Director
Division of Historical Resources

TOWN OF
FORT MYERS BEACH

OCT 13 2008

RECEIVED BY

Florida Communities Trust

October 8, 2008

Mr. Scott Janke, City Manager
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Subject: Request to demolish the Cottage at Newton Beach Park
Newton Beach Park
Management Plan 02-098-FF2

Dear Mr. Janke:

This is in response to your letter dated August 21, 2008 requesting permission to demolish a structure listed in the 2007 Newton Beach Park Cultural Resource Enhancement Plan as the Cottage. In the course of reviewing your request, we found that the Division of Historical Resources (DHR) recommends mothballing the building for possible future adaptive use. If the recommended mothballing is determined by the town to not be feasible, it appears that demolishing this structure is consistent with the approved management plan and the Grant Award Agreement as long as the provisions of the attached September 3, 2008 DHR letter are met. However, the proposed modifications to either mothball or demolish the Cottage will require a formal amendment to the Florida Communities Trust management plan for final approval.

Please submit a formal amendment request for review. The request must identify the specific word changes (using underline for addition and ~~strike-out~~ for deletions) on the affected pages of the Management Plan. Clearly identify the changes proposed, the purpose of need for the change, and any other details that may be helpful in staff making a determination on whether such a change is in conformance with the Grant Award Agreement and FCT rules. Provide a modified master site plan drawing showing the locations of all existing and proposed structures/facilities.

If you have any questions, please call Sara Leitman at (850) 922-1706.

Sincerely,



Grant Gelhardt
Environmental Administrator

GG/sfl

**NOTICE OF ACTION ON PETITION TO
DESIGNATE A HISTORIC RESOURCE**

YOU ARE HEREBY NOTIFIED that on March 16, 2004 the Town of Fort Myers Beach Historic Preservation Board voted to:

- Approve
 Approve with conditions stated below
 Deny

A Petition to Designate the individual historic resource described below as:

Newton Cottage
FMBHD (Individual) 2004 02

The designation is subject to the following conditions (if any):

None

This historic resource is described as follows:

Address: 4610 Estero Blvd Fort Myers Beach, FL 33931
STRAP No.: 29-46-24-W3-0080H-0030
Legal Description: Hyde Park
BLK (H) PB (7) PG (20)
Lots 3 & 4

This Notice of Action on Petition to Designate the Newton Beach Cottage, FMBHD (Individual) 2004 02 and the attached Resolution regarding this petition will be recorded in the public records of Lee County, Florida.

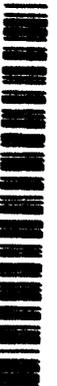
I HEREBY certify that a copy of this notice and the accompanying resolution has been furnished to the following persons or entities:

Marsha Segal-George, Town Manager, Fort Myers Beach
Mary Gibbs, Director, Department of Community Development
Bob Stewart, Building Official, Department of Community Development
Pam Houck, Director, Zoning Division
Paul O'Connor, Director, Planning Division
Charlie Green, Clerk of Court
Scott Gilbertson, Director, DOT
Ken Wilkinson, Property Appraiser



Signature of Historic Preservation Board Chair or Vice-Chair

INSTR # 6212312
OR BK 04248 Pgs 4594 - 4596; (3pgs)
RECORDED 04/06/2004 03:35:42 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEPUTY CLERK E BORROMEO



**RESOLUTION DESIGNATING
HISTORIC RESOURCE FMBHD (Individual) 2004 02**

WHEREAS, the Town of Fort Myers Beach Local Planning Agency, acting as the Historic Preservation Board, is authorized by the Fort Myers Beach Land Development Code (LDC), Chapter 22, Historic Preservation, to consider requests to designate archaeological resources and buildings, and structures and sites and districts as historic resources in order to preserve these resources from uncontrolled alteration or destruction; and

WHEREAS, a request has been filed to designate this resource located at 4610 Estero Blvd., Fort Myers Beach, Florida, as a historic resource; and

WHEREAS, a designation report meeting the requirements of LDC Chapter 22, was filed with the Historic Preservation Board on February 17, 2004; and

WHEREAS, Notice of Intent to designate the Newton Cottage as a historic resource was mailed by certified mail, return receipt requested, on February 26, 2004 to Mayor Dan Hughes (Town of Fort Myers Beach), the property owner, at 2523 Estero Blvd., Fort Myers Beach, FL 33931; and

WHEREAS, Notice of Intent to Designate was advertised on March 3, 2004 for a public hearing on March 16, 2004; and

WHEREAS, the Board has determined that the Newton Cottage meets the criteria for designation set forth in the Town of Fort Myers Beach Land Development Code, Chapter 22.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH HISTORIC PRESERVATION BOARD THAT:

1. The Fort Myers Beach Historic Preservation Board approves the petition to designate, as a historic resource, the Newton Cottage FMBHD (Individual) 2004 02.
2. All provisions of the Town of Fort Myers Beach Land Development Code, Chapter 22, as may be hereafter amended, renumbered or replaced, applicable to a designated historic resource shall apply to this property the Newton Cottage FMBHD (Individual) 2004 02.
3. This Resolution and the Notice of Action on Petition to Designate the Newton Cottage FMBHD (Individual) 2004 02 shall be recorded in the Public Records of Lee County, Florida within twenty-five (25) days of the date the Resolution is signed, unless a timely appeal of the Board's decision as reflected in this Resolution, is filed.

Resolution Designating Historic Resource FMBHD (Individual) 2004 02

The foregoing Resolution was adopted by the Fort Myers Beach Historic Preservation Board upon a motion by Jodi Hester, and seconded by Jane Plummer, and, upon being put to a vote, the result was as follows:

Anita Cereceda	<u>Absent</u>
Jessica Titus	<u>Absent</u>
Betty Simpson	<u>Aye</u>
Roxie Smith	<u>Aye</u>
Jodi Hester	<u>Aye</u>
Hank Zuba	<u>Absent</u>
Nancy Mulholland	<u>Aye</u>
Harold Huber	<u>Aye</u>
Jane Plummer	<u>Aye</u>

DULY PASSED AND ADOPTED this 16th day of March, 2004.

ATTEST:

TOWN OF FORT MYERS BEACH
HISTORIC PRESERVATION BOARD

BY: 

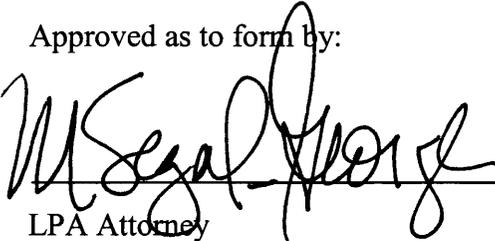
As Clerk for the Fort Myers Beach
Historic Preservation Board

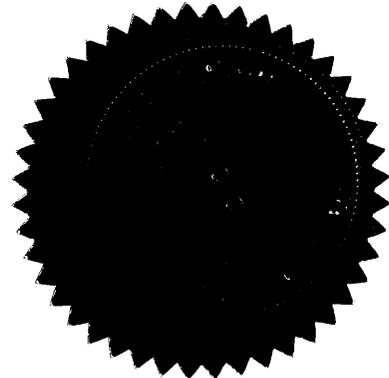
BY: 

Chair

Date: 3/26/04

Approved as to form by:


LPA Attorney



4. National Register

4.1 Categorization

According to the National Register Bulletin on applying the National Register Criteria for evaluation, the best descriptive category for both houses at Newton Beach Park is as a **building** and categorized within that heading as a **house**.

4.2 Cottage – Architectural Description

The Cottage is vernacular in style with a light wood frame structural system. The building rests on concrete block piers and the exterior is covered with Asbestos Shingles. It has a gabled intersecting roof, one chimney which leads up from a large coquina fireplace. Windows are of several types including wood double hung sash 6/1, four pane transom windows and non-historic replacement awning windows. Five panel wood doors are seen throughout the original portions of the house, appearing to be of two different eras because of slight changes in the profiles. A bathroom and connecting corridors on the southwest corner of the house appear to be in what was once a porch.

See Section 3 of this report for detailed building and material information and an explanation of changes to the building over time.

4.3 Cottage - Historic Context and Significance

The Historic contexts are defined as **“those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear.”** The National Register Criteria for evaluation note that there are five issues that must be addressed in order to determine if a property is significant within its historic context.

The first of the five criteria for historic context is **“the facet of prehistory or history of the local area, State, or the nation that the property represents.”** The facet of history that the Cottage represents is in the theme area of “Architecture” and “Social History”.

The second criterion for historic contexts is **“whether that facet of prehistory or history is significant.”**

The National Register Criteria for Significance include:

“The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are **associated with events** that have made a significant contribution to the broad patterns of our history; or
- B. that are **associated with the lives of persons** significant in our past; or

- C. that **embody the distinctive characteristics** of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that **have yielded, or may be likely to yield, information** important in prehistory or history.”
(http://www.cr.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)

The history of the Cottage is significant for one of the above four reasons. It does **embody the distinctive characteristics** of the architecture of its time. The Architecture of the Cottage is locally significant, and there are enough remaining intact design elements of the building to allow for the restoration of the Cottage.

The third criterion for historic context is **“whether it is a type of property that has relevance and importance in illustrating the historic context.”** The Cottage property is not relevant in illustrating the historic context. The building because of its relocation does not address the site, though the main front of the house has been oriented to the ocean, a typical beach cottage would have had a second primary entrance on the beach side.

The fourth criterion for historic context is: **“how the property illustrates that history.”** The Cottage because of its unknown history and relocation to the property does not illustrate the history.

The last criterion for historic context is: **“whether the property possesses the physical features necessary to convey the aspect of prehistory or history with which it is associated.”** The Cottage does possess enough of the physical features so that it could be restored to an earlier period if that was desired.

4.4 *Seven Seas – Architectural Description*

The Seven Seas house was built during the years 1953/1954 and shows many details which are indicative of this time period. The building is a long linear structure which parallels the Gulf of Mexico. According to Robley Greilick the house was built using tide water red cypress from the Everglades and heart pine on the interior. The 1950s vernacular building has many unique features and uses natural ventilation, has natural finishes on the interior, an exposed structural system on the roof, kitchen hardware especially the decorative hardware on the sliding panel at the kitchen cabinets and the bi-fold doors between the living room and the original west porch.

See Section 3 of this report for detailed building and material information and an explanation of changes to the building over time.

4.5 *Seven Seas - Historic Context and Significance*

The first of the five criteria for historic context is **“the facet of prehistory or history of the local area, State, or the nation that the property represents.”** The facet of history that the Seven Seas House represents is in the theme areas of “Architecture” and “Social History”.

Seas is a highly intact building. Original materials are seen throughout, both interior and exterior. Minimal changes have taken place over time and are easily identified and restored. Original materials can be seen in all walls, doors, floors, exterior siding, cabinetry and finishes. Even original light fixtures remain in the building.

The craftsmanship seen in photographs and noted in Seven Seas indicate that it is an outstanding example of mid twentieth century vernacular construction.

4.6 *Integrity- Cottage*

The National Register Criteria establish seven aspects of integrity and defines integrity as the ability of a property to convey its significance. These are **location, design, setting, materials, workmanship, feeling and association.**

Location is defined as **“the place where the historic property was constructed or the place where the historic event occurred.”** National Register criteria states: “Moved properties must still have an orientation, setting, and general environment that are comparable to those of the historic location”. This house has been described as a typical beach cottage. This house was not built at the beach, or for this site and was actually built in the interior of the state. The Cottage is not in its original location, so does not have integrity of location.

Design is defined as **“the combination of elements that create the form, plan, space, structure, and style of a property.”** The design and plan of the Cottage are clear.

Setting is defined as **“the physical environment of a historic property.”** Setting refers not to the place but to the character of a place. The character of place of the Cottage is primarily retained. The views from the Cottage to the Gulf of Mexico are probably very much the same as they were when the house was relocated. Surrounding development to the north, south and east have changed the quality of the setting on those sides. The house has had extensive vegetation added to the grounds over the years since the house was relocated. This exotic vegetation is now gone as a requirement of the agreement with Florida Communities Trust whose funds were used in part to finance the purchase of the park. New plantings of native species are required and ongoing, but will probably never reach the density and intensity of the earlier landscape. The Cottage does not have integrity of setting.

Materials are defined as **“the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.”** The materials from the original construction of the Cottage are primarily intact and it does have integrity of materials.

Workmanship is defined as **“the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.”** The evidence of the original craftsmanship and skill is evident in most aspects in most portions of the Cottage; the Cottage has integrity of workmanship in the original portions of the building.

Feeling is defined as **“a property's expression of the aesthetic or historic sense of a particular period of time.”** This Cottage retains most elements which define its period of construction. The

five panel doors, door and window trim and built in cabinets in the house are one good example. Other details which are indicative of its time period are the 6/1 double hung sash windows.

Association is defined as **“the direct link between an important historic event or person and a historic property.”** The Cottage has had a series of owners over time. No significant events are known to have taken place in this house.

The Cottage when restored will have integrity of four of the above seven criteria; design, workmanship, materials and feeling.

4.7 *Integrity – Seven Seas*

The National Register Criteria establish seven aspects of integrity and defines integrity as the ability of a property to convey its significance. These are location, design, setting, materials, workmanship, feeling and association.

Location is defined as **“the place where the historic property was constructed or the place where the historic event occurred.”** Seven Seas is in its original location.

Design is defined as **“the combination of elements that create the form, plan, space, structure, and style of a property.”** The design and plan of Seven Seas are clear. There was one major addition to the building in the 1960s, which clearly shows as an addition though there were attempts made to match the materials and mirror the plan of the 1954 house.

Setting is defined as **“the physical environment of a historic property.”** Setting refers not to the place but to the character of a place. The character of place of Seven Seas is mostly intact. The views from Seven Seas to the Gulf of Mexico are probably very much the same as they were in 1954. Surrounding development to the north, south and east have changed the quality of the setting on those sides. The house has had extensive vegetation added to the grounds over the years since the house was constructed in 1954. This exotic vegetation is now gone as a requirement of the agreement with Florida Communities Trust whose funds were used in part to finance the purchase of the park. New plantings of native species are required and ongoing, but will probably never reach the density and intensity of the landscape during the years that the Newtons occupied the property, Seven Seas does not have integrity of setting for this reason.

Materials are defined as **“the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.”** The materials of Seven Seas construction of 1954 are highly intact. Exterior and interior finishes remain the same as originally constructed, even down to the light fixtures and kitchen cabinets. With the 2003 period of restoration, the main body of the house and the building materials are intact. The last known change to the building was the addition of the translucent corrugated fiberglass panels covering the porch roof.

Workmanship is defined as **“the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.”** The evidence of the original craftsmanship and skill is evident in many portions of Seven Seas. Historic photographs and narratives show that the workmanship seen today is the original workmanship dating to the

construction of the house. Details such as the operable louvers for ventilation, the 1950s pine paneling, the hardware and the unique bi-fold doors allowing the house to be opened to the Gulf are evidence of innovative construction of the 1950s period.

Feeling is defined as **“a property's expression of the aesthetic or historic sense of a particular period of time.”** This building retains many elements which define its period of construction. The paneling and light fixtures are an example. The history as defined by the years that the Newtons lived in the house can be clearly portrayed with the restoration of the house and its use as a place for small meetings.

Association is defined as **“the direct link between an important historic event or person and a historic property.”** As the house of Jim and Eleanor Newton this house has a strong association with their lives and their visitors, many of these visitors were significant international figures.

Seven Seas when restored will have integrity of six of the above seven criteria; location, design, workmanship, materials, feeling and association.

4.8 Period of Significance- Cottage

There have been changes to the original plan and configuration of the building that it is not possible with what is currently known about the Cottage to determine a period of significance. There is also no historical record of any person of significance or any historic events having a direct link to this building.

While the Cottage has some unique architectural details such as the five panel doors, window and door trim and the coquina fireplace, the building is not unique enough for the architecture to be the sole factor which determines significance.

4.9 Period of Significance- Seven Seas

The major period of architectural significance for Seven Seas is the years that the house was inhabited and used by Jim and Eleanor Newton. The longest period of time without architectural change would be the years from the 1960s when the north addition was added through the late 1990s addition of the ramp on the east elevation. The period of significance for the house is 1954-2003.

4.10 Recommendations - Cottage

The Cottage should be repaired on the interior and restored on the exterior. The house should be repaired on the interior to return the finishes to their pre-hurricane state, all of the exterior features should be restored to return them to their original appearance in order to maintain the integrity of the site. For example the asbestos siding and aluminum windows should be removed to expose the original wood siding and to replace the missing wood sash windows.

National Register criteria specifically state that a rural house relocated into an urban area is not eligible for listing. This would make it difficult to obtain any type of grant funding for restoration.

Even though the building is not “historic” by National Register standards it is useful and functional and should be retained. The building has been designated locally as “historic”.

This house was located on the site at the time that the Seven Seas house was built, so in order to maintain the integrity of the setting, it is important that the Cottage remain. Maintaining the site by retaining the Cottage also enhances the historic context of Seven Seas, as Seven Seas was never present on its site without the Cottage on the adjoining property.

The cost estimate in Section 6 of this report covers the specific work items needed for the repair and adaptive reuse of the Cottage.

4.11 Recommendations – Seven Seas

The Seven Seas house should be restored to match its appearance as of the addition of the ramp on the east elevation in the 1990s. A close examination of early photographs shows that the house has retained its late 1950s appearance and all details with the exception of the 1960s addition to the north, translucent corrugated fiberglass panels covering the porch roof between 1987 and 1994 and 1990s minor changes such as carpeting and drapes, minor alterations to the south bathroom and the addition of a ramp to the east elevation.

The National Park Service has the following standards for restoration:

- “Use the property as it was historically or find a new use that reflects the property’s restoration period.
- Remove features from other periods, but document them first.
- Stabilize, consolidate, and conserve features from the restoration period.
- Replace a severely deteriorated feature from the restoration period with a matching feature (limited substitute materials may be used).
- Replace missing features from the restoration period based on documentation and physical evidence. Do not make changes that mix periods and falsify history to create a “hybrid” building.
- Do not execute a design that was never built.”
(<http://www.cr.nps.gov/hps/tps/common/>)

In order to most clearly portray the history of the Newton’s Seven Seas it is important to restore the house to the time of its greatest architectural significance and architectural clarity, which is 2003. This period of restoration honors the time span in which the house was basically unchanged from the 1960s and in which the Newtons used and enjoyed the home with their visitors.

In the cost estimate in Section 6 of this report there are specific work items shown for the restoration of Seven Seas.

Excerpt from the Town of Fort Myers Beach Historic Preservation Designation Report per Chapter 22 of the Town LDC.

d. A statement of rehabilitative or adaptive use proposals.

The cottage will be converted into a local regularly staffed museum to contain exhibits displaying historic artifacts teaching the public about the historical significance of the site, the Newton family and their association with nationally significant figures. The garage is likely to be converted into a small museum shop. Plans are to preserve the historic integrity of these buildings as the Town bought the parcel for the purpose of environmental and historical preservation and education.

There are many additional restrictions and agreements in the above documents which affect the use of the property. The ones listed above are specific to the buildings and site use. (See Exhibit 5.1 Warranty Deed and Exhibit 5.2 Interlocal Agreement)

5.2 Recommendations

The Newtons eventually came to own six lots which now make up the property known as Newton Beach Park. For the entire time the Newtons lived on the property, they lived in a house located on lots 1, 2 and 6. They acquired Lots 3, 4 and 5 in 1972 and never resided on those lots.

It is this author's opinion that the basis for determining the historical significance of the Cottage (4610 Estero Boulevard) located on Lots 3 and 4 was flawed and the significance of this structure is less than that of the Newton home, Seven Seas (4650 Estero Boulevard). The reasoning for this assertion is as follows:

From an architectural standpoint the Cottage is a typical Florida vernacular residence probably dating from sometime shortly after the turn of the nineteenth century (c.1900) and not 1944 as stated in the Management Plan. No documentation exists for the establishment of a definitive date. The detailing of the interior five panel doors and the associated door casings with moulded trim at the head, the six over one sash of the principal windows, the high ceilings, the exterior doors at the original east elevation with transoms, and the detail of the exterior wood siding under the cement tile siding all speak of the last decade of the nineteenth century and the first two decades of the twentieth century. This architectural detailing is typical of this time period and while in good condition it is not particularly noteworthy.

Further, oral tradition presents the possibility that the house was constructed near Alva some twenty five miles to the northeast of Fort Myers Beach and the house was brought to the site on a barge, date unknown. The house clearly has a front and back and it is located on the site with the front facing the Gulf of Mexico and the back facing east towards Estero Boulevard. Had the house been constructed on the site it is highly likely that the front would be facing Estero Boulevard or at least some attempt made in the architecture to acknowledge that a person entering the property was coming from Estero Boulevard. Guests would not be brought into the rear of the house. Since the house already existed with a front and rear when brought to the site it was decided that the front or living areas should face the Gulf thus making the rear face Estero Boulevard.

From what little is known about the ownership of the house it is clear that no prominent members of the citizenry resided at this residence, no significant events took place at the property and that Jim and Ellie Newton only bought the property in 1972, potentially used early on as a guest house and later as a year round rental. None of the fore mentioned facts give this property any particular significance.

One item of note is that the criteria used to define the designation of “historic” also states that structures that are NOT eligible for listing on the National Register as historic are “structures that have been removed from their original location”, such as the Cottage, if oral traditions are correct. Because the Cottage has been located on this site since at least the 1940s, it can be considered locally significant.

In the Town of Fort Myers Beach Historic Preservation Designation Report per Chapter 22 of the Town LDC, prepared in 2004 the criteria for designation of the Cottage as a historic structure are laid out with great specificity. This report states “...only the Newton Cottage and associated garage...are considered historic resources. The other two parcels contain non-historic buildings.” The Seven Seas resides on one of these two parcels and as a result of the above quote deemed non-historic.

If the Newton home, Seven Seas (4650 Estero Boulevard) is reviewed against the same criteria as was used to designate the Cottage as “historic” it seems it will be clear that Seven Seas is equally or more significant than the Cottage. Although only constructed in 1953-1954 there is much more clear documentation of the history of the property.

Jim and Ellie Newton build the house in 1953-1954 thus presently making the structure fifty four years old and older than the fifty year mark used as one criterion to define “historic”.

Unlike the Cottage the Seven Seas was host to such luminaries of the day as Henry Wilfred “Bunny” Austin, Bernard Hallward, Clare Hallward, Geraldine Hughes, T. Willard Hunter, Cardinal Konig, Charles and Anne Morrow Lindbergh, Frits Phillips, King Michael and Queen Anne of Romania, and Gordon Wise.

Jim Newton used the office in the northeast corner of the house to write his book “Uncommon Friends”. Ellie Newton wrote two of her books while living in the house, “Echoes from the Heart” and “I always wanted adventure”.

While the architecture of the exterior of Seven Seas is undistinguished the interior is an exceptional example of the time period. The detailing of the living room ceiling with its exposed structure and natural deep honey colored varnish finish is outstanding. Also the detailing of the closet cupboards, kitchen cabinetry, metal hardware of the kitchen/living room divider, the wall vents used to let fresh air in and out of the house, and the double bi-fold doors from the living room to the west porch are particularly exemplary. This detailing is most interesting when one considers the prevailing construction idiom of the day was a sprawling “rancher” with smooth finished white walls and ceilings and split levels. At the time that this building reaches one hundred years of age, forty six years from now the preservation of the building will be even more worthwhile. Good examples of 1950s architecture are rare today and will be even more so in the future.

Also like the Cottage the architectural integrity of the Seven Seas is above average. Almost all original finishes and details are intact even to the point of the original light fixtures still being in place.

There has been much discussion during the years 2004 and 2005 of moving the Seven Seas house off of the Newton Beach Park property by the Newton Advisory Board. One issue this brings up is where to move the house. Two locations that have been discussed were relocating the house to the Edison Estate and to the complex of historic buildings owned by the Estero Island Historic Society. The Edison Estate noted that they would take the house, but would demolish it after a period of time. On January 9, 2007 the Estero Island Historic Society wrote a letter indicating that they would welcome the house to their complex "With reservations". They noted that they "can not, or will not be responsible for the monetary or physical upkeep of the building." See copy of this letter as Exhibit 5.3. The relocation of the Newton house would surly cost in excess of \$100,000.00 unless a nearby location could be found. A second issue of note would be the relocation of the house would make it ineligible to be classified as historic. The house would loose its relationship to its original surroundings and the Gulf of Mexico. In its new setting the house would not be interpreted as well as if it were in its original location.

The management plan calls for the Cottage to be used to interpret the lives of Jim and Ellie Newton. There is certainly no clear logic in using a building that was so peripheral to the lives of the Newtons when Seven Seas sits immediately adjacent to the Cottage. Seven Seas was constructed by the Newtons and was clearly a major focus in their lives as they lived there, worked there and entertained there. What better place to showcase the Newtons lives than the house they built? The house would be a critical element in the interpretative story of the Newtons.

Even though there are controversial people associated with the Newtons, and specifically among his "Uncommon Friends" that does not mean that the history is not important. Another issue that needs to be clarified is that of Jim Newton's "Uncommon Friends", specifically Edison, Ford, Firestone, Carrel and Lindbergh. With the exception of Charles Lindbergh and his wife Anne Morrow Lindbergh, none of them were directly associated with the house at Seven Seas, because they had died before it was built. The persons who did visit Seven Seas in addition to the Lindberghs were many internationally known persons, mainly associated with the Newtons through the Newtons international work with MRA.

Because the Cottage has been relocated it is probably ineligible to receive any State of Florida, Division of Historical Resources grant funding. While the Seven Seas is eligible for grant funding as it sits in its present location. Relocation would preclude it every receiving grant funding.

Because of the requirements of the Florida Communities Trust Management Plan and the County Interlocal Agreement the Cottage should be maintained in its present location. The significance of the Seven Seas should be re-evaluated and also deemed historic. In compliance with the Warranty Deed which states that a "*A protection plan shall be developed and implemented, in conjunction with the Division of Historic Resources, for the protection of known historical resources located on the Project Site*"; the historical integrity has been verbally discussed with the Division of Historic Resources and they concur with this recommendation. Upon issuance of this report the State Historic Preservation Officer will issue a written opinion on this matter deeming the Newton House Seven Seas an important historical resource which should be saved and restored. The Seven Seas should be

maintained on the site in its present location. Both structures should be preserved in accordance with the Secretary of the Interiors Standards for the Rehabilitation of Historic Structures.

According to an article entitled "Report says Newton home is too badly damaged to be saved", details damage from the Hurricane in 2004. At the time the cost estimates to repair the structures were \$110,000 for the Cottage (valued at \$61,000) and \$137,000 for Seven Seas (valued at \$75,000). According to Matt Feeney of the Town of Fort Myers, the Beach Land Development Code would require: "Quite simply, no structure can undergo substantial improvement, defined as improvements totaling 50% or more of the structure's market value, without elevating in compliance with the current floodplain regulations" (*Fort Myers Beach Observer*, October 13, 2004). In the authors opinion these estimates did not take into the account the historic nature of these structures and the inherent value of these structures.

The proposed flood elevations on the site would require that new buildings be elevated to 17 feet. Reusing the historic structures allows meeting the needs of park amenities without building new structures 17 feet above mean high sea level. Existing grade is approximately five feet, so this means the floor level of all new structures in the park would have to be at least 12 feet above grade, necessitating extremely long ramps or an elevator to access. The cost of a new elevated code compliant restroom building would cost in excess of \$200,000.00 and require additional permitting time.

The Cottage has already been designated historic locally. The Town of Fort Myers Beach should designate Seven Seas as historic, which can then exempt both buildings from the requirement to elevate them in the case of substantial improvement. (Fort Myers Beach LDC Sec. 22-175. "Variances from the floodplain regulations may be requested pursuant to the terms of ch.6, article IV." Sec. 6-446. (d) "Variances may be issued for repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.") Improvements are as spelled out in the cost estimate in Section 6 of this report.

5.3 Cottage - Use

Originally constructed as a residence the building was moved to its present site and continued to be a residence until purchased in 2003 by the Trust for Public Land and transferred to the Town later that year. Due to storm damage in 2004 the building now sits vacant and unused. With the mandate by Florida Communities Trust is to use the site as a town park, the reuse of the Cottage as a private residence is not possible.

Use as a museum is called for in the 2005 Revised Management Plan. If the Town no longer desires that the building be used as a museum the cottage could be adapted to other uses.

The options for the building use are still varied from relocation off the site to providing use as a museum or community center. Relocation off site would be in conflict with provisions in the Management Plan and the Interlocal Agreement.

Since the building is likely more than seventy five years old, has resided on the site for at least fifty years and is a typical example of the Florida vernacular style of architecture it can justifiably be labeled "historic". Given this designation allows the building to remain in its present location with only minor modifications necessary to be allowed for reuse.

Due to the site proximity to the Gulf of Mexico any new structures constructed on site would have to be in full compliance with present day building codes and flood elevation requirements. This would require the new restroom building or other park structure to have a floor elevation at a height of at least ten feet above the present grade or ground level thus making the building expensive to construct, difficult for patrons to use and unsightly. A new restroom facility, at the required elevation would have a ramp at least one hundred and fifty feet long or an elevator which would be both expensive to construct and difficult to maintain. The management plan calls for the new restroom facility to have a minimal visual impact on the site, which would be very difficult with either a ramp that long or an elevator tower.

Given the size of the Cottage and the amenities available it is recommended that the Cottage remain on site and be used to house public restrooms and provide space for a limited museum with quality exhibits about Fort Myers Beach, South Florida and the natural environment of the site and local area. The kitchen could be utilized for catered food and set up for dispensing food for larger groups using the park during special events. The facility might also provide space to support other public functions which may one day be required at the beach park.

See the Proposed Floor Plan in Exhibit 5.2.

5.4 *Seven Seas - Use*

Originally constructed as a residence the building was constructed on site and continued to be a residence until July 2003 with the death of Mrs. Ellie Newton. The property was vacant when purchased in August 2003 by the Trust for Public Land and transferred to the Town of Fort Myers Beach in September 2003. Due to storm damage in 2004 the building now sits vacant and unused. The mandate by Florida Communities Trust is to use the site as a town park, the reuse of Seven Seas as a private residence is therefore not possible. The options for the building use are still varied from relocation off the site to providing use as a community center.

Since the building has been associated with many historic personages and is a good example of the Florida vernacular style of architecture, particularly the interiors, it can justifiably be labeled "historic". Given this designation allows the building to remain in its present location with only minor modifications necessary to be allowed for reuse. Given the size of the Seven Seas and the amenities available it is recommended that the Seven Seas remain on site and be used to passively interpret the lives of the Newtons and to house public meeting space and offices. The layout of the main room in this building lends the space to meetings because of its open rectangular configuration.

See the Proposed Floor Plan in Exhibit 5.3.

6. PROBABLE ARCHITECTURAL COSTS OF CONSTRUCTION

6.1 High Priority (Emergency) Work Items

Site None.....	\$ 0.00
Cottage / Restrooms None.....	\$ 0.00
Seven Seas None.....	\$ 0.00
Subtotal	\$ 0.00

6.2 Lower Priority (Non-Emergency) Work Items

Site - Construction

- Civil Engineering (Dune Restoration), Landscape and Hardscape and Interpretive Signage See individual sections of the report for cost estimates

Cottage – Demolition and Construction

• Tenting for termites.....	\$ 3,500.00
Subtotal	\$ 3,500.00
 Demolition:	
<u>Exterior</u>	
• Remove asbestos containing tile siding.....	\$ 5,500.00
• Remove asphalt shingle roofing, underlayment and flashing.....	\$ 3,000.00
• Remove aluminum window units.....	\$ 2,500.00
• Remove three exterior doors.....	\$ 1,000.00
• Remove two porches on east elevation.....	\$ 2,000.00
Subtotal	\$ 14,000.00
 <u>Interior</u>	
• Remove sheet vinyl flooring.....	\$ 3,500.00
• Remove carpet flooring.....	\$ 1,750.00
• Remove bathroom and associated partitions.....	\$ 4,500.00
• Remove laundry fixtures and plumbing.....	\$ 750.00
• Remove doors from built-in cabinets in kitchen.....	\$ 250.00
• Remove damaged wall and ceiling finish in bedrooms and west porch ...	\$ 1,500.00
Subtotal	\$ 12,250.00

Construction

Exterior

- Repair wood siding at asbestos tile removal.....\$ 6,000.00
 - Install new asphalt shingle roofing, underlayment and flashing.....\$ 8,500.00
 - Install new wood window sash and trim.....\$ 17,750.00
 - Install three new paneled exterior doors.....\$ 5,500.00
 - Install 2 porches on east elevation with ramp and 1 new porch on west elevation.....\$ 16,750.00
 - Repair and install new trim as necessary at crawl space.....\$ 2,500.00
 - Repaint all exterior woodwork.....\$ 8,500.00
 - Clean paint off brick chimney and repoint joints between bricks.....\$ 1,800.00
- Subtotal \$ 67,300.00

Interior

- Refinish floors.....\$ 4,500.00
 - Install new H/C accessible restrooms for public use.....\$ 23,500.00
 - Make miscellaneous repairs (repair walls and ceilings etc.).....\$ 7,500.00
 - Install new panel doors on kitchen cabinets with hardware.....\$ 3,750.00
 - Install new air conditioning system.....\$ 6,500.00
 - Up grade electrical system.....\$ 3,500.00
- Subtotal \$ 49,250.00

Seven Seas - Demolition and Construction

- Tenting for termites.....\$ 3,500.00
- Subtotal \$ 3,500.00

Demolition:

Exterior

- Remove twenty deteriorated rafter ends.....\$ 12,500.00
 - Remove wood deck and steps on west and north elevations.....\$ 900.00
- Subtotal \$ 13,400.00

Interior

- Remove carpet.....\$ 2,750.00
 - Remove sheet vinyl flooring in kitchen.....\$ 2,500.00
 - Remove air conditioning systems.....\$ 1,500.00
- Subtotal \$ 6,750.00

Construction

Exterior

- Reconstruct missing section of ramp.....\$ 2,300.00
 - Rebuilding steps and decks at northeast and west.....\$ 6,500.00
 - Miscellaneous repairs to siding.....\$ 2,000.00
 - Reconstruct west screened porch.....\$ 19,500.00
 - Repair twenty rafters.....\$ 25,000.00
 - Repaint exterior.....\$ 8,700.00
- Subtotal \$ 64,000.00

1. Visual Evaluation
 7. Interpretive Design
 8. Landscape Architecture

<u>Interior</u>	
• Refinish wood floors.....	\$ 3,500.00
• Reinstall existing doors to west sun porch.....	\$ 1,250.00
• Restore existing light fixtures.....	\$ 1,000.00
• Install new door frame and door at bathroom.....	\$ 875.00
• Install new ceiling in two offices / supplement framing.....	\$ 4,300.00
• Install new air conditioning systems.....	\$ 6,500.00
• Restore wall and floor finishes in offices.....	\$ 5,500.00
• Clean and refinish natural wood wall and ceiling finishes throughout,	
• Paint at other areas as required.....	\$ 8,500.00
• Install new air conditioning system.....	\$ 6,500.00
• Up grade electrical system.....	\$ 3,500.00
	<u>Subtotal</u>
	\$41,425.00

6.3 Summary

High Priority work Items.....	\$ 0.00
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Lower Priority Work Items

Cottage – Tenting.....	\$ 3,500.00
Cottage Demolition.....	\$ 26,250.00
Cottage Construction - Exterior.....	\$ 67,300.00
Cottage Construction - Interior.....	\$ 49,250.00
	<u>Subtotal</u>
	\$146,300.00

Seven Seas – Tenting.....	\$ 3,500.00
Seven Seas Demolition.....	\$ 20,150.00
Seven Seas Construction - Exterior.....	\$ 64,000.00
Seven Seas Construction - Interior.....	\$ 41,425.00
	<u>Subtotal</u>
	\$ 129,075.00

20 % cost escalation and contingency over a 2 year period.....	\$ 55,075.00
Total Building Construction Cost	<u>\$331,450.00</u>

Architectural Fees for Construction Documents for all work shown above.....	\$ 36,500.00
Master Site File for Structures (update Cottage and create Seven Seas).....	\$ 6,000.00
Maintenance Plan for Structures.....	\$ 17,500.00
	<u>Subtotal</u>
	<u>\$ 60,000.00</u>
	<u>Grand Total</u>
	\$391,450.00

application must be brought promptly to the attention of the Secretary by written statement through the SHPO to ensure continued conformance to the Standards; such changes should be made using a Historic Preservation Certification Application Continuation/Amendment Sheet (NPS Form 10-168b). The Secretary will notify the owner and the SHPO in writing whether the revised project continues to meet the Standards. Oral approvals of revisions are not authorized or valid.

(e) Completed projects may be inspected by an authorized representative of the Secretary to determine if the work meets the Standards for Rehabilitation. The Secretary reserves the right to make inspections at any time up to five years after completion of the rehabilitation and to revoke a certification, after giving the owner 30 days to comment on the matter, if it is determined that the rehabilitation project was not undertaken as represented by the owner in his or her application and supporting documentation, or the owner, upon obtaining certification, undertook further unapproved project work inconsistent with the Secretary's Standards for Rehabilitation. The tax consequences of a revocation of certification will be determined by the Secretary of the Treasury.

(f) If a proposed, ongoing, or completed rehabilitation project does not meet the Standards for Rehabilitation, an explanatory letter will be sent to the owner with a copy to the SHPO. A rehabilitated property not in conformance with the Standards for Rehabilitation and which is determined to have lost those qualities which caused it to be nominated to the National Register, will be removed from the National Register in accord with Department of the Interior regulations 36 CFR part 60. Similarly, if a property has lost those qualities which caused it to be designated a certified historic structure, it will be certified as noncontributing (see § 67.4 and § 67.5). In either case, the delisting or certification of nonsignificance is considered effective as of the date of issue and is not considered to be retroactive. In these situations, the Internal Revenue Service will be notified of the substantial alterations. The

tax consequences of a denial of certification will be determined by the Secretary of the Treasury.

§ 67.7 Standards for Rehabilitation.

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited

to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS. "Preservation Briefs" and additional technical information to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS regional offices. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(d) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the Secretary will consider such extreme intervention as part of a certified rehabilitation if:

(1) The necessity for dismantling is justified in supporting documentation;

(2) Significant architectural features and overall design are retained; and

(3) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

Section 48(g) of the Internal Revenue Code of 1986 exempts certified historic structures from meeting the physical test for retention of external walls and internal structural framework specified therein for other rehabilitated buildings. Nevertheless, owners are cautioned that the Standards for Rehabilitation require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, *i.e.*, external walls that

detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(e) Prior approval of a project by Federal, State, and local agencies and organizations does not ensure certification by the Secretary for Federal tax purposes. The Secretary's Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.

(f) The qualities of a property and its environment which qualify it as a certified historic structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in National Register or related documentation.

§ 67.8 Certifications of statutes.

(a) State or local statutes which will be certified by the Secretary. For the purpose of this regulation, a State or local statute is a law of the State or local government designating, or providing a method for the designation of, a historic district or districts. This includes any by-laws or ordinances that contain information necessary for the certification of the statute. A statute must contain criteria which will substantially achieve the purpose of preserving and rehabilitating properties of historic significance to the district. To be certified by the Secretary, the statute generally must provide for a duly designated review body, such as a review board or commission, with power to review proposed alterations to structures of historic significance within the boundaries of the district or districts designated under the statute except those owned by governmental entities which, by law, are not under the jurisdiction of the review body.

(b) When the certification of State statutes will have an impact on districts in specific localities, the Sec-

retary encourages State governments to notify and consult with appropriate local officials prior to submitting a request for certification of the statute.

(c) State enabling legislation which authorizes local governments to designate, or provides local governments with a method to designate, a historic district or districts will not be certified unless accompanied by local statutes that implement the purposes of the State law. Adequate State statutes which designate specific historic districts and do not require specific implementing local statutes will be certified. If the State enabling legislation contains provisions which do not meet the intent of the law, local statutes designated under the authority of the enabling legislation will not be certified. When State enabling legislation exists, it must be certified before any local statutes enacted under its authority can be certified.

(d) Who may apply. Requests for certification of State or local statutes may be made only by the Chief Elected Official of the government which enacted the statute or his or her authorized representative. The applicant shall certify in writing that he or she is authorized by the appropriate State or local governing body to apply for certification.

(e) Statute certification process. Requests for certification of State or local statutes shall be made as follows:

(1) The request shall be made in writing from the duly authorized representative certifying that he or she is authorized to apply for certification. The request should include the name or title of a person to contact for further information and his or her address and telephone number. The authorized representative is responsible for providing historic district documentation for review and certification prior to the first certification of significance in a district unless another responsible person is indicated including his or her address and telephone number. The request shall also include a copy of the

**TOWN OF FORT MYERS BEACH
SPECIAL CERTIFICATE OF APPROPRIATENESS
APPLICATION**

COA NO.: _____
 DESIGNATION NO.: _____
 DATE FILED: _____
 DATE ISSUED: _____
 APPROVED: _____
 DENIED: _____

Town of Fort Myers Beach 2523 Estero Boulevard Fort Myers Beach, FL 33931
 Telephone: (239) 765-0202 / FAX:(239) 765-0909

Contributing	Non-Contributing	<input checked="" type="checkbox"/> Individual Designation	Not Historical
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Name of Project: Newton Cottage Relocation and/or Demolition

Location: 4610 Estero Boulevard, Fort Myers Beach, FL 33931

Strap No.: 29-46-24-W3-0080H.0030

Name of Applicant or Agent: Town of Fort Myers Beach

Address: 2523 Estero Boulevard

City / State: Ft Myers Beach, FL **Zip Code:** 33931 **Phone:** 239.765.0865

Name of Historic District, if applicable: FMBHD (Individual) 2004 02 4610 Estero Blvd (Newton Cottage)

- Check all that apply:**
- Building
 - Archaeological Site
 - Object
 - Landscape Feature

Project Description: (describe all work proposed)

Type of Work: Alteration Demolition New Construction
 Reconstruction Excavation Relocation

Narrative: Please see attached.

Change in Use: yes no

If yes, explain: Future use is not determined pending request for demolition.

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? yes no

If yes, explain: Dependent on future use.

Has a development order or exemption been applied for prior to or concurrent with this application? yes no

If yes, explain: _____

SUBMITTAL REQUIREMENTS

n/a	Full plans and specifications (9 sets of plans, 1 set of specification).
✓	Site plan (9).
n/a	Samples of materials if needed to fully describe the proposed appearance, color, feature, materials, or design of the building(s), structure(s), and any outbuilding, wall, courtyard, fence, landscape feature, paving, storage or exterior lighting.
n/a	Adequate information to enable the Historic Preservation Board to visualize the effect of the proposed action of adjacent buildings and streetscape within a historic district.
✓	Demolition applications only: Provide plans for the reuse of the property.
✓	Moving applications only: Provide reason for the proposed move, and a description of the new location and settings.
n/a	Archaeological sites: Full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites.
n/a	Proposed mitigation measures.
n/a	Archaeological surveys, if required by the Historic Preservation Board, including disturbance of human burials.

Summary

The proposed project entails the removal of the Newton Cottage located at 4610 Estero Boulevard (Attachment 1) from the Newton Estate (Lots 1 through 6, Hyde Park) purchased by the Town of Fort Myers Beach with local, county, and state funds to produce a waterfront park facility. This request proposes either relocation or demolition of the structure to create additional park area adjacent to the Gulf of Mexico for the enjoyment of island residents and visitors. The STRAP number is 29-46-24-W3-00008H.0030.

Existing Conditions

The Newton Cottage and associated garage were listed with the Florida Master Site File (8LL2038) in 2002 (Attachment 2) and designated as an individual historic structure by the Town of Fort Myers Beach Historic Preservation Board on March 16, 2004 as FMBHD 2004 02 (Attachment 3). The site file was completed by Douglas Hattaway of the Trust for Public Land that served as the land purchasing agent from the Newton Estate prior to transfer of ownership to the Town of Fort Myers Beach. The historic designation by the Town's Historic Preservation Board relied on the architecture and age of the buildings and the association with the James and Eleanor Newton Estate that was acquired by the Town of Fort Myers Beach with funds from Florida Communities Trust and Lee County to develop a beachfront park and community facility.

Contrary to the Historic Designation report, the cottage building, although owned by the Newton's after 1972, played a very small part in the local and national significance surrounding Jim and Ellie. According to deed research, the Lots 1 & 2 of Hyde Park (where the cottage is now located) were owned by Robley and Jane Newton until 1940 when they were purchased by Eleanor Aymai Allison (Attachment 4). It was during the Allison's ownership that the building was relocated from interior Florida to this site (ca. 1944). In 1966 the lots were sold to Alanson and Janice White. In 1968, the Whites sold the property to B. M. Hallward Trustees and in 1972 to Eleanor Newton when it was put into use as a long term rental.

The cottage is a single story two bedroom and two bath residential building with a base floor area of 1,413 square feet with a 256 square feet enclosed front porch facing the Gulf of Mexico. The building is a vernacular style building with a wood frame structure resting on concrete block piers. The exterior is horizontal wood siding covered with cement board tiles. The roof has four intersecting gables with a chimney leading up from a large coquina fireplace. Owing to renovations through time, the building contains wood double hung sash 6/1, four pane transom, and replacement awning windows. Interior five panel wood doors also appear to be of two styles. Interior walls and ceilings are wood frame and lathing with a plaster finish with 3/4" thick tongue and groove southern yellow pine flooring and wood trim. Existing condition photos are provided in Attachment 5.

Although an example of early twentieth or late nineteenth century vernacular architecture (age is misidentified in the original application), the early history of the building is unknown and no significant events are known to have taken place in this structure. In their assessment of the significance of the Newton Cottage, Renker Eich Parks Architects identify four of seven

National Register Criteria that the property conveys. These include integrity of design, materials, workmanship, and feeling that relate to the minimal alteration this building has had through time and its consistent use as a residence. However, the cottage lacks integrity of location and setting due to its relocation. The associated garage also designated in 2004 was demolished following Hurricane Charley and the Newton cottage has sustained some damage that would require repair should it be reused.

Proposed Relocation and/or Demolition

The proposal for adaptive reuse of the Newton Estate includes restoration and adaptive reuse of Seven Seas, the Newton's primary residence since 1953, to provide park amenities including bathhouse and restroom facilities, community gathering space, interpretive exhibits as well as active and passive recreational opportunities on landscaped grounds. Additional beachfront park space for these amenities that will benefit island residents and visitors is facilitated by the removal of the Newton Cottage and park development of that area of the property. A preliminary plan for the site is provided (Attachment 6).

Given Town agreements with Florida Communities Trust (FCT) that require Division of Historical Resources (DHR) review of all site modification, options for relocation and/or demolition have been posed. In April 2008 a request for FCT to consider relocation was solicited. After conferring with DHR, FCT issued a letter indicating the cottage but not the Seven Seas could be relocated. In August 2008 a request for FCT to consider demolition was solicited. After conferring with DHR, FCT likewise found demolition if necessary to be acceptable. In either case, a formal amendment is necessary to the Town's Management Plan with FCT.

The following correspondence is enclosed as Attachment 7:

- Letter from Theresa Schober to Sara Leitman, FCT dated April 14, 2008
- Letter from Grant Gelhardt, FCT to Theresa Schober dated May 15, 2008
- Letter from Scott Janke to Grant Gelhardt, FCT dated August 21, 2008
- Letter from Fred Gaske, DHR to Grant Gelhardt, FCT dated September 3, 2008
- Letter from Grant Gelhardt, FCT to Scott Janke dated October 8, 2008

Plans for adaptive reuse of the structure or a new location have not been solidified pending the outcome of this application.



Location Map



**RENKER-EICH-PARKS
ARCHITECTS**

ARCHITECTURE / HISTORIC PRESERVATION
1609 DR. M.L.KING JR. STREET NORTH, ST.PETERSBURG, FLORIDA, 33704
ph(727) 821-2986 fax(727) 896-4911 Lic.AAC001447

CULTURAL RESOURCE ENHANCEMENT PLAN FOR:
NEWTON BEACH PARK

PREPARED FOR:
TOWN OF FORT MYERS BEACH
FORT MYERS BEACH, FLORIDA

March 2007

EXHIBIT

2.1.1



HISTORICAL STRUCTURE FORM

FLORIDA MASTER SITE FILE

Version 3.0 11/96

Consult *Guide to Historical Structure Forms* for detailed instructions.

Site #8 LL2038
 Recorder # _____
 Field Date 08 / 06 / 01
 Form Date 06 / 05 / 02

X Original
 Update
 (give site#) _____

Site Name(s) (address if none) Newton Cottage Multiple Listing [DHR only] _____
 Survey Newton Cottage Survey Survey # _____
 National Register Category (Please check one: consult with Site File before using last four):
 building structure district site object

LOCATION & IDENTIFICATION

Address (include N,S,E,W; #; St., Ave., etc.) 4610 Estero Boulevard
 Cross Streets (nearest / between) Strandview Avenue
 City / Town (within 3 miles) Town of Fort Myers Beach In Current City Limits: y n unknown
 County: Lee Tax Parcel #(s): 294624-W3-0080H.0030
 Subdivision name: Hyde Park Block: H Lot: 2, 3, 4, 5 and 6
 Ownership (Please check one):
 private-profit private-individual city county Native American
 private-nonprofit private-unspecified state federal foreign unknown
 Name of Public Tract (e.g., park) Not Applicable
 Route to (especially if no street address) Hyde Park Subdivision on the corner of Estero Boulevard and Strandview Avenue

MAPPING

USGS 7.5' Map Name & Date: Fort Myers Beach
 Township: 46 S Range: 24 E Section: 29 ¼ section: NW SW SE NE Irregular-name: _____
 Landgrant _____ UTM: Zone 16 17 Easting _____ 0 Northing _____ 0
 Plat or other map (map's name, location) _____

DESCRIPTION

Style* Frame Vernacular Exterior Plan* Rectangular Number of Stories 1
 Structural System(s)* Light Wood Frame
 Foundation: Type(s)* Piers Material(s)* Concrete Block
 Exterior Fabric(s)* Asbestos, Shingles
 Roof: Type(s)* Gable-intersecting Material(s)* Asphalt Shingles
 Roof secondary strucs. (dormers etc.)* _____
 Chimney: No. 1 Material(s)* Coquina Location(s)* Gable interior; pitched roof; ridge
 Windows (types, materials, etc.)* DHS, wood, 6 over 1; also transom windows with four panes,

Main Entrance (stylistic details) Main entrance is not landscaped. Six wooden stairs take one onto a small wooden porch. The main door is wood with one over one glass panes.

Porches: #open _____ #closed 1 #incised _____ Location(s) E, Rear

Porch roof type(s) Asbestos, Shingles

Exterior Ornament None

Interior Plan* Unknown interior plan

Condition (Please check one): excellent good fair deteriorated ruinous

Surroundings (N=None, S=Some, M=Most, A=All/nearly all): Some commercial Most residential None institutional None undeveloped

Ancillary Features (No., type of outbuildings; major landscape features. Use continuation sheet for descriptions of interior, landscaping, etc.) A detached garage is associated with this structure.

Archaeological Remains None observed nor known Check if Archaeological Form completed

* Consult *Guide to Historical Structure Forms* for preferred descriptions (coded fields at the Site File).

DHR USE ONLY 20/20/20/20/20 OFFICIAL EVALUATIONS 20/20/20/20/20 DHR USE ONLY

NR DATE ____/____/____	KEEPER-NR ELIGIBILITY <input type="checkbox"/> yes <input type="checkbox"/> no	Date ____/____/____
DELIST DATE ____/____/____	SHPO-NR ELIGIBILITY: <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> potentially elig. <input type="checkbox"/> insufficient info	Date ____/____/____
	LOCAL DESIGNATION: _____	Date ____/____/____
	Local office _____	

National Register Criteria for Evaluation: a b c d (See National Register Bulletin 15, p. 2)

HISTORICAL STRUCTURE FORM

Site #8 _____

Consult Guide to Historical Structure Forms for detailed instructions.

HISTORYConstruction date: Exactly 1944 according to Lee County Property Appraiser Approximately ___(year) Earlier than ___(year) Later than ___(year)Architect (last name first): Unknown Builder (last name first): UnknownMoves: Yes no unknown Dates Unknown Original address UnknownAlterations: yes no unknown Dates _____ Nature* _____Additions: yes no unknown Dates _____ Nature* _____

Original Use* (give date ranges) _____

Intermediate Uses* (give date ranges) _____

Present Use* (give date ranges) Residential at least since 1944Ownership History (especially original owner, dates, profession, etc.) The cottage was shipped from undetermined location to the present site.

According to the local Estero Island Historical Society, the structure is actually 100 years old, but has been at the present site since 1944 according to the Lee County Property Appraiser's data. Since its relocation to the current site, the cottage has been owned by Jim and Ellie Newton. The Newtons are best known for their friendships with Thomas Edison, Charles Lindbergh, Harvey Firestone, Henry Ford and Dr. Alexis Carrel. In honor of the Newton Legacy, the Uncommon Friends Foundation was formed to preserve the artifacts and memory of Jim and Ellie Newton in Fort Myers Beach.

* Consult Guide to Historical Structure Forms for preferred descriptions (coded fields at the Site File).

RESEARCH METHODS (Check all choices that apply; if needed write others at bottom)

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> formal archaeological survey | <input type="checkbox"/> past surveys search at FMSF | <input type="checkbox"/> local library research | <input type="checkbox"/> Sanborn maps |
| <input type="checkbox"/> informal archaeological inspection | <input type="checkbox"/> past sites search at FMSF | <input type="checkbox"/> non-local library research | <input type="checkbox"/> subdivision maps |
| <input type="checkbox"/> Public Lands Survey (DEP) | <input type="checkbox"/> FL Archives (Gray Building) | <input type="checkbox"/> building permits | <input type="checkbox"/> plat maps |
| <input checked="" type="checkbox"/> tax records/property deeds | <input type="checkbox"/> FL Photo Archives (Gray Building) | <input type="checkbox"/> demolition permits | <input type="checkbox"/> local newspaper files |
| <input checked="" type="checkbox"/> tax records only | <input checked="" type="checkbox"/> occupant/owner interview | <input type="checkbox"/> commercial permits | |
| <input checked="" type="checkbox"/> interior inspection | <input type="checkbox"/> neighbor interview | <input type="checkbox"/> occupation permits | |
| <input checked="" type="checkbox"/> other methods (specify) <u>Knowledgeable local historic society members.</u> | | | |

SURVEYOR'S EVALUATION OF SITE (Check one choice on each line)Potentially eligible for local register? yes: name register at right no insufficient info Name of local register if eligible: Estero Island Historic SocietyIndividually eligible for National Register? yes no insufficient info _____Potential contributor to Nat. Reg. district? yes no insufficient info _____

Area(s) of Historical Significance (See National Register Bulletin 15, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

Architecture, Local, Tourism.

Explanation of Evaluation (required, whether positive or not; limit to three lines; attach longer statement, if needed, on separate sheet)

The structure is its own right is historic being possibly 100 years old with particular architectural features. However, of important significance is the site's owners, Jim and Ellie Newton. The Newtons were a local if not nationally prominent family whose associations with Thomas Edison, Charles Lindbergh, Harvey Firestone, Henry Ford and Dr. Alexis Carrel make the preservation of the building and the wealth of historical artifacts available on the site an important cultural aim.

DOCUMENTATION (Photos, Plans, etc.)

Bibliographic References (Use Continuation Sheet, give FMSF Manuscript # if relevant) _____

Photographs (required) B&W print(s) at least 3 x 5, at least one main facade.

Location of negatives & negative numbers _____

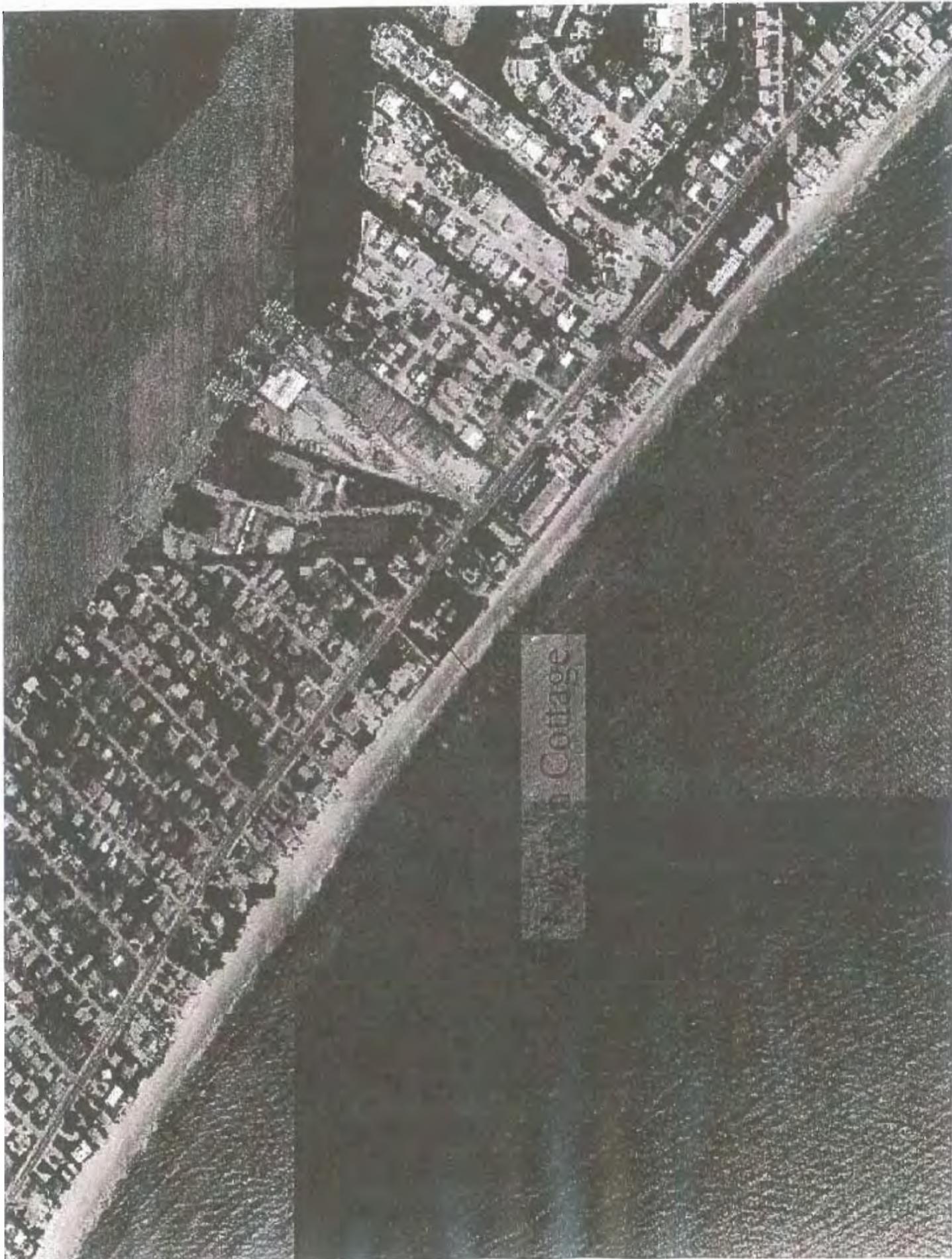
RECORDERName (last name first) / Address / Phone / Fax / Email / Affiliation Hattaway, Douglas/ 306 North Monroe Street, Tallahassee, Florida 32301

Tel: 850/222-7911; Fax: 850/222-3133

Remember: Use a Supplement for Site Forms or other continuation sheet for descriptions that do not fit in the spaces above.

REQUIRED:

- (1) USGS 7.5' MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, PREFER B&W, AT LEAST 3X5



Wynne Cottage



Photo

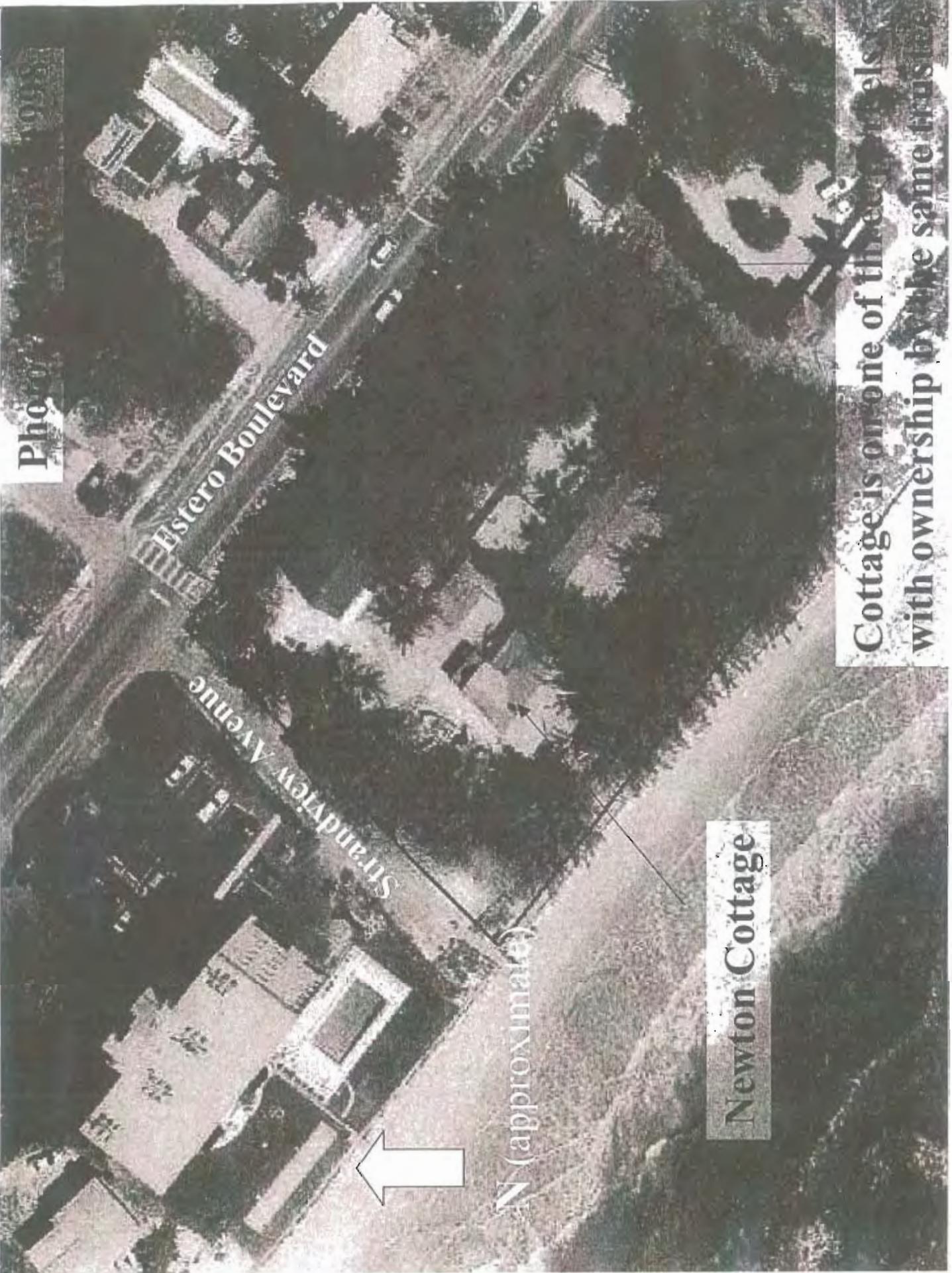
Estero Boulevard

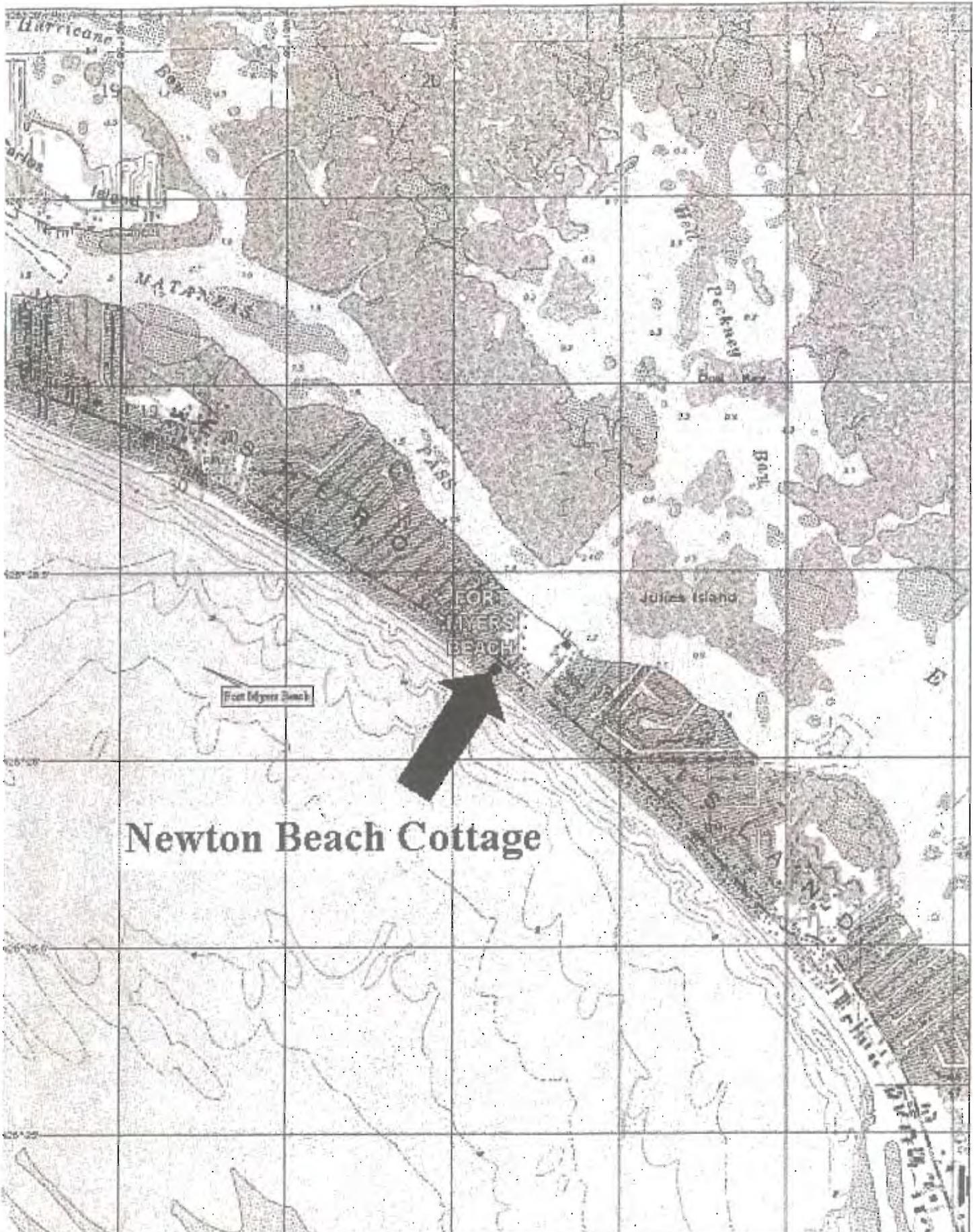
Strandview Avenue

N (approximate)

Newton Cottage

Cottage is on one of three parcels with ownership by the same trust





Newton Beach Cottage



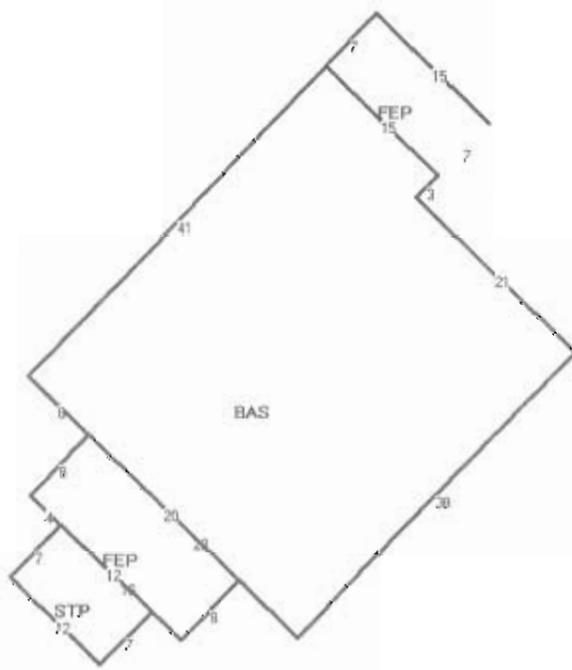
Historic Cottage Narrative, Newton Property
Rebecca L. Harris, M.A., RPA
8/6/01

The small cottage on the Newton Property is located at 4610 Estero Boulevard on Fort Myers Beach, Florida. This cottage is a good example of Vernacular architecture of the mid-20th Century.



The cottage faces the Gulf of Mexico and is in excellent condition after renovations during the last 15 years.

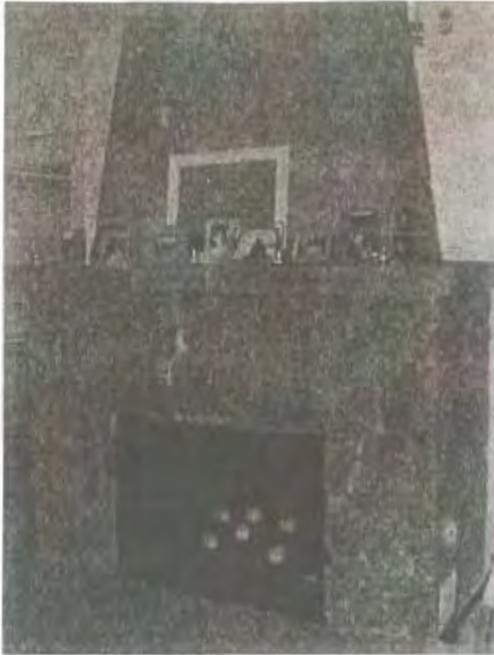
The structure contains approximately 1,762 square feet with approximately 7 interior rooms, an enclosed porch and detached garage.



The exterior of the house is clad in asbestos shingles, a common building material in the post-World War II era. The Lee County Property Appraiser's office lists a date of 1944 for construction of this house.

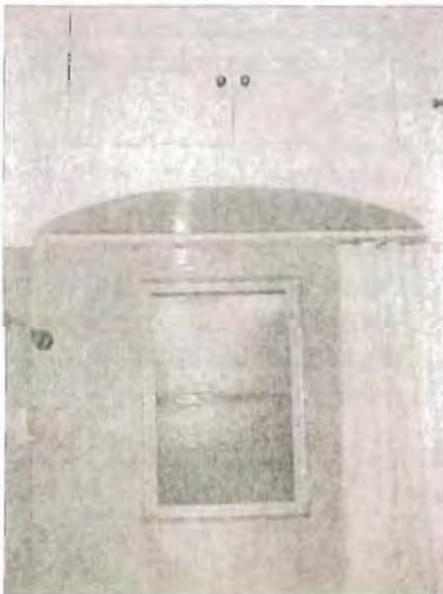
According to Barbara Murphy, personal secretary to the Newtons, this house was shipped to Fort Myers Beach as a contiguous structure by barge from somewhere north of southwest Florida.

There are some architectural features in this house that are consistent with a northern Florida origin. One such feature is the unique fireplace, which is constructed from coquina blocks. Coquina was used as a building

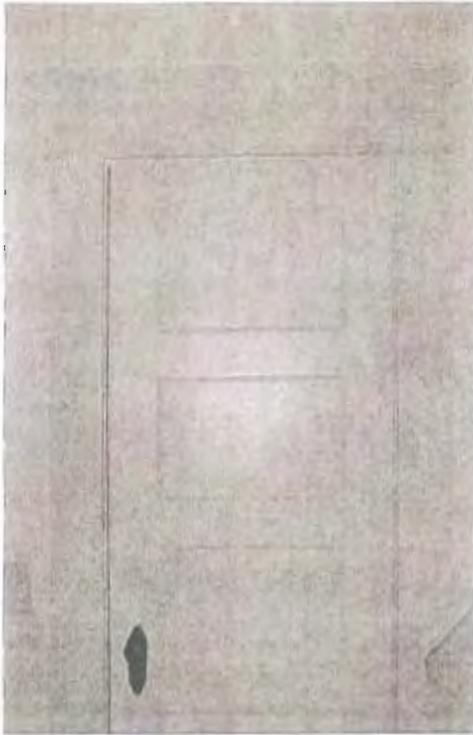


material in north-eastern Florida due to its availability in large quantities. Coquina is described as a type of limestone that is composed of mollusk shells and sand that can be quarried in blocks from large outcrops. Many of the colonial dwellings in St. Augustine used this same material for building quarried from the area.

Other architectural features from the post WW II era include the use of transom windows and jalousie glass doors, custom-built cabinetry,



paneled doors, and six-over-one double-hung paired sash windows.



Other features that are assumed to be original to the building include the plank flooring and wood paneling found in portions of the house. From a cursory examination of the wood it appears to have been made from high-quality pine.



This structure has a unique character that provides a nostalgic feel for an important era in the history of Estero Island. The historical significance of this little cottage is increased because it was used by James and Ellie Newton as a guest cottage to an amazing list of famous and important individuals. The age of the structure lends itself to being listed with the Florida Master Site File as a historical structure as well as receiving a historical designation by the Town.

NOTICE OF ACTION ON PETITION TO
DESIGNATE A HISTORIC RESOURCE

YOU ARE HEREBY NOTIFIED that on March 16, 2004 the Town of Fort Myers Beach
Historic Preservation Board voted to:

- Approve
 Approve with conditions stated below
 Deny

A Petition to Designate the individual historic resource described below as:

Newton Cottage
FMBHD (Individual) 2004 02

The designation is subject to the following conditions (if any):

None

This historic resource is described as follows:

Address: 4610 Estero Blvd Fort Myers Beach, FL 33931
STRAP No.: 29-46-24-W3-0080H-0030
Legal Description: Hyde Park
BLK (H) PB (7) PG (20)
Lots 3 & 4

This Notice of Action on Petition to Designate the Newton Beach Cottage, FMBHD (Individual)
2004 02 and the attached Resolution regarding this petition will be recorded in the public records of
Lee County, Florida.

I HEREBY certify that a copy of this notice and the accompanying resolution has been
furnished to the following persons or entities:

Marsha Segal-George, Town Manager, Fort Myers Beach
Mary Gibbs, Director, Department of Community Development
Bob Stewart, Building Official, Department of Community Development
Pam Houck, Director, Zoning Division
Paul O'Connor, Director, Planning Division
Charlie Green, Clerk of Court
Scott Gilbertson, Director, DOT
Ken Wilkinson, Property Appraiser



Signature of Historic Preservation Board Chair or Vice-Chair

INSTR # 6212312
OR BK 84248 Pgs 4594 - 4595 (2pgs)
RECORDED 04/06/2004 03:25:42 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEPUTY CLERK E. BARRON



**RESOLUTION DESIGNATING
HISTORIC RESOURCE FMBHD (Individual) 2004 02**

WHEREAS, the Town of Fort Myers Beach Local Planning Agency, acting as the Historic Preservation Board, is authorized by the Fort Myers Beach Land Development Code (LDC), Chapter 22, Historic Preservation, to consider requests to designate archaeological resources and buildings, and structures and sites and districts as historic resources in order to preserve these resources from uncontrolled alteration or destruction; and

WHEREAS, a request has been filed to designate this resource located at 4610 Estero Blvd., Fort Myers Beach, Florida, as a historic resource; and

WHEREAS, a designation report meeting the requirements of LDC Chapter 22, was filed with the Historic Preservation Board on February 17, 2004; and

WHEREAS, Notice of Intent to designate the Newton Cottage as a historic resource was mailed by certified mail, return receipt requested, on February 26, 2004 to Mayor Dan Hughes (Town of Fort Myers Beach), the property owner, at 2523 Estero Blvd., Fort Myers Beach, FL 33931; and

WHEREAS, Notice of Intent to Designate was advertised on March 3, 2004 for a public hearing on March 16, 2004; and

WHEREAS, the Board has determined that the Newton Cottage meets the criteria for designation set forth in the Town of Fort Myers Beach Land Development Code, Chapter 22.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT MYERS BEACH HISTORIC PRESERVATION BOARD THAT:

1. The Fort Myers Beach Historic Preservation Board approves the petition to designate, as a historic resource, the Newton Cottage FMBHD (Individual) 2004 02.
2. All provisions of the Town of Fort Myers Beach Land Development Code, Chapter 22, as may be hereafter amended, renumbered or replaced, applicable to a designated historic resource shall apply to this property the Newton Cottage FMBHD (Individual) 2004 02.
3. This Resolution and the Notice of Action on Petition to Designate the Newton Cottage FMBHD (Individual) 2004 02 shall be recorded in the Public Records of Lee County, Florida within twenty-five (25) days of the date the Resolution is signed, unless a timely appeal of the Board's decision as reflected in this Resolution, is filed.

Resolution Designating Historic Resource FMBHD (Individual) 2004 02

The foregoing Resolution was adopted by the Fort Myers Beach Historic Preservation Board upon a motion by Jodi Hester, and seconded by Jane Plummer, and, upon being put to a vote, the result was as follows:

Anita Cerocoda	<u>Absent</u>
Jessica Titus	<u>Absent</u>
Betty Simpson	<u>Aye</u>
Roxie Smith	<u>Aye</u>
Jodi Hester	<u>Aye</u>
Hank Zuba	<u>Absent</u>
Nancy Mulholland	<u>Aye</u>
Harold Huber	<u>Aye</u>
Jane Plummer	<u>Aye</u>

DULY PASSED AND ADOPTED this 16th day of March, 2004.

ATTEST:

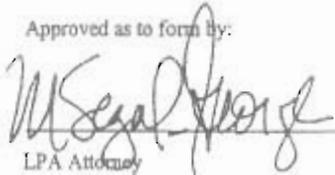
TOWN OF FORT MYERS BEACH
HISTORIC PRESERVATION BOARD

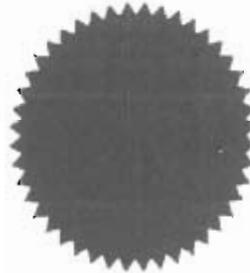
BY: 
As Clerk for the Fort Myers Beach
Historic Preservation Board

BY: 
Chair

Date: 3/26/04

Approved as to form by:


LPA Attorney



Town of Fort Myers Beach
Historic Preservation Designation Report
Per Chapter 22 of the Town LDC

CASE NUMBER:

FMBHD (Individual) 2004 02 4610 Estero Blvd Fort Myers Beach Fl 33931
(Newton Cottage)

ADDRESS:

4610 Estero Blvd Fort Myers Beach Fl 33931 (Newton Cottage)

STRAP NUMBER:

The James and Eleanor Newton Estate and associated real estate consists three parcels: 29 46 24 W3 0080H 0030, 0010 and 0050; all three are part of this designation but only the Newton Cottage and associated garage on STRAP 29 46 24 W3 0080H 0030 are considered historic resources. The other two parcels contain non-historic buildings.

LPA HISTORIC PRESERVATION SUBCOMMITTEE

Meeting date: January 27, 2004

Recommendation: Forward to the LPA

LOCAL PLANNING AGENCY (LPA)

Meeting date: February 17, 2004

Recommendation:

**Fort Myers Beach Land Development Code Chapter 22 Historic Preservation
Sec 22-202 Designation Report prepared on February 11, 2004**

FMBHD (Individual) 2004 02 4610 Estero Blvd Fort Myers Beach Fl 33931 (Newton Estate)

STRAP: The James and Eleanor Newton Estate and associated real estate consists three parcels: 29 46 24 W3 0080H 0030, 0010 and 0050; all three are part of this designation but only the Newton Cottage and associated garage on STRAP 29 46 24 W3 0080H 0030 are considered historic resources. The other two parcels contain non-historic buildings.

a. A physical description of the building, structure or site and its character-defining features, accompanied by photographs.

On October 24, 2004 the Town of Fort Myers Beach closed on the purchase of the Newton Beach Property with grants obtained from Lee County, Florida Communities Trust and the Tourist Development Council. The .8-acre property adjacent to the Gulf of Mexico on Estero Island will serve as a natural resource and cultural park. It consists of the former James and Eleanor Newton Estate and associated real estate and consists three parcels: 29 46 24 W3 0080H 0030, 0010 and 0050.

The subject designation applies to all those as they form the Newton Estate. There are two non-historic structures on the Newton Estate; the historic resource being designated is the small cottage and associated garage; its address is listed as 4610 Estero Boulevard on Fort Myers Beach, Florida. The Newton Cottage fronts the Gulf of Mexico and adjoins Strandview Drive and is part of the Newton Estate

The Newton Cottage

This cottage is a good example of Vernacular architecture of the early to mid-20th century. The Lee County Property Appraiser's office listed a date of 1944 for construction of the cottage. According to Barbara Murphy, personal secretary to the Newtons, this cottage was shipped to Fort Myers Beach as a contiguous structure by barge from somewhere north of southwest Florida. The cottage faces the Gulf of Mexico and is in excellent condition after renovations during the last 15 years. The cottage is a single story residence with 2 bedrooms and 2 baths. The base floor area is 1,413 square feet, and an enclosed porch of 256 square feet that faces the Gulf of Mexico.

The cottage features a main side gable roof with a central chimney and two secondary gable roofs: a secondary gable roof at the center of the elevation facing the Gulf of Mexico and an off center gable roof facing the rear and featuring small shed roofed addition. The central Gulf front gable includes an incised, enclosed porch featuring ribbons of awning windows. It has a louvered vent under the gable peak, a central front door flanked by pairs of awning windows on either side. The door is accessed by a way of a small front deck with stairs.

The rear elevation features an off center secondary gable roof with a shed-roofed addition featuring a rear door accessed by a small deck with stairs. The rear elevation of the main house also features a single door flanked by awning windows and a small deck with stairs providing access to the door. The roof material is fiberglass shingle and the foundation consists of concrete piers with horizontal wood slats as infill. The construction is wood frame, off-grade and the house is sided with cement shingles.

The cottage features an enclosed fireplace constructed from coquina rocks. Coquina was used as a building material originating usually in northeastern Florida due to its availability in large quantities. Coquina is described as a type of limestone that is composed of mollusk shells and sand that can be quarried in blocks from large outcrops. Many of the colonial buildings in St. Augustine used this same material for building.

Other architectural features from the WWII era include the use of transom windows and custom built cabinetry and paneled doors. The cottage appears to have the original plank flooring and wood paneling found in portions of the house.

The garage associated with the Newton Cottage

The garage mirrors the main building by using the same roof and wall materials and by featuring a side gable roof as the main roof. On one side of this main roof is a secondary shed roof that runs the length of the main roof. On the other side is a small shed roof addition. Under the rear gable end it features a flat roofed addition. There is a rectangular louvered vent under the rear gable end. The front features an undivided double garage door. There is small rectangular multi-light window under the gable end. The garage has been adapted for use as a small guest apartment.

In the future it is likely that this building will provide use for a small museum gift shop and bookstore. Storage space for the museum and for equipment may be secondary functions.

b. A statement of the historical, cultural, architectural, archaeological, or other significance of the building, structure or site as defined by the criteria for designation established by this chapter.

The Newton Estate is an important part of the Town's history and identity. A testament to the local significance of the Newtons is the creation of the Uncommon Friends Foundation in 1993 to preserve the legacy of Jim and Ellie Newton.

The Uncommon Friends Foundation, Inc. is a nonprofit educational partnership of the City of Fort Myers, Lee County (Florida) government, the School District of Lee County and community leaders and businesses. The Foundation is dedicated to enriching society by promoting the positive values, such as a spirit of adventure, sense of purpose, unending personal growth, and the commitment of helping friends, that author Jim Newton discovered in five unique men and their wives - Thomas Edison, Henry Ford, Harvey Firestone, Dr. Alexis Carrel, and Charles Lindbergh. He dubbed them his "Uncommon Friends" in his book by the same name in which Newton recalls a lifetime

of friendship with all of them – a friendship that began when he was only twenty years old and head of development of Edison Park in Fort Myers, Florida. A documentary film narrated by Walter Cronkite, appropriately titled “Uncommon Friends” preserves the importance and meaning of the life of Jim and Eleanor Newton and their close association with the above-mentioned friends.

The cottage itself is historically significant as it is a representative sample of the early to mid-20th century vernacular cottages that dotted Florida’s coastlines. The cottage retains a remarkable degree of architectural integrity.

The subject structures qualify for designation because they meet the following criteria for designation as set forth in Section 22-204 of the Fort Myers Beach Land Development Code. The subject property is significant in terms following criteria

- (a) 1, 3 and 4
- (b) 4
- (c) 1, 2 and 4

These criteria are set forth in Section 22-204 of the Town of the Fort Myers Beach Land Development Code and are listed below for information

- (a) *The historic preservation board shall have the authority to designate historic resources based upon their significance in the county’s history, architecture, archaeology or culture, or for their integrity of location, design, setting, materials, workmanship or associations and because they fulfill one or more of the following criteria:*
- (1) *Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric or architectural history that have contributed to the pattern of historic in the community, the county, southwestern Florida, the state or the nation*
 - (2) *Are associated with the lives of persons significant in our past;*
 - (3) *Embody the distinctive characteristics of a type, period, style or method of construction or are the work of a master; or possess high artistic value or represent a distinguishable entity whose components may lack individual distinction.*
 - (4) *Have yielded or are likely to yield information on history or prehistory*
 - (5) *Are listed or have been determined eligible for listing in the National Register of Historic Places.*
- (b) *A historic resource shall be deemed to have historical or cultural significance if fulfills one or more of the following criteria:*
- (1) *Associated with the life or activities of a person of importance in local, state or national history;*
 - (2) *The site of a historic event with a significant effect upon the town, county, state or nation;*
 - (3) *Associated in a significant way with a major historic event*

(4) Exemplary of the historical, political, cultural, economic or social trends of the community in history; or

(5) Associated in a significance way with a past or continuing institution which has contributed substantially to the life of the community.

(c) A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

(1) Portrays the environment in an era of history characterized by one or more distinctive architectural styles.

(2) Embodies the characteristics of an architectural style, period or method of construction;

(3) Is a historic or outstanding work of a prominent architect, designer or landscape architect; or

(4) Contains elements of design, detail, material or craftsmanship which are of outstanding quality and which represented, in its time, a significant innovation, adaptation or response to the South Florida environment.

(d) Archaeological significance A historic resource shall be deemed to have archaeological significance if it meets one or more of the following criteria:

(1) There is an important historical event or person associated with the site;

(2) The quality of the site or the data recoverable from the site is significant enough that it would provide unique or representative information on prehistoric or historical events;

(3) The site was the locus of discrete types of activities such as habitation, religious, burial, fortification, etc.

(4) The site was the location of historic or prehistoric activities during a particular period of time; or

(5) The site maintains a sufficient degree of environmental integrity to provide useful archaeological data. Such integrity shall be defined as follows:

a. The site is intact and as had little or not subsurface disturbance; or

b. The site is slightly to moderately disturbed, but the remains have considerable potential for providing useful information.

(e) Not generally eligible. Properties not generally eligible for designation include cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria described in this section or if they fall within one or more of the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.

(2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.

(3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life.

- (4) *A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.*
 - (5) *A property primarily commemorative in nature if design, age, tradition, or symbolic value have invested it with its own historical significance.*
 - (6) *A building, structure, site or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historical significance.*
- c. A description of the existing condition of the building, structure, or site, including any potential threats or other circumstances that may affect the integrity of the building, structure or site.*

The buildings are in good condition and the proposed site is well suited for the buildings as they are part of the Newton Estate. There are no threats to the structures as the Town has acquired them for preservation purposes.

- d. A statement of rehabilitative or adaptive use proposals.*

The cottage will be converted into a local regularly staffed museum to contain exhibits displaying historic artifacts teaching the public about the historical significance of the site, the Newton family and their association with nationally significant figures. The garage is likely to be converted into a small museum shop. Plans are to preserve the historic integrity of these buildings as the Town bought the parcel for the purposes of environmental and historical preservation and education.

- e. A location map, showing relevant zoning and land use information.*

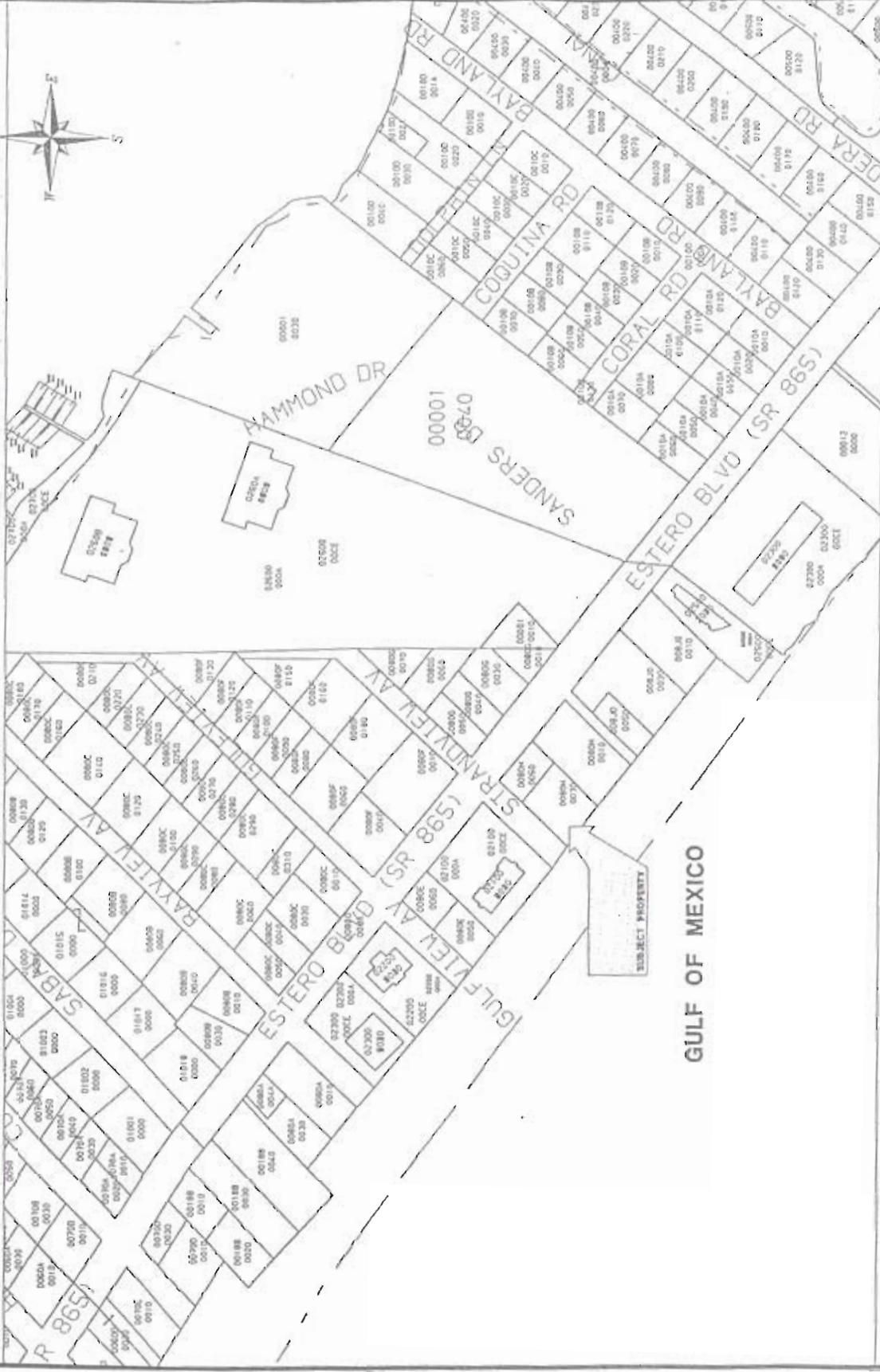
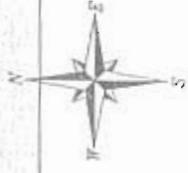
Attached.

- f. The director's recommendations concerning the eligibility of the building, structure, or site for designation pursuant to this chapter, and a listing of those features of the building's structure or site which require specific historic preservation treatment.*

Staff recommends that The James and Eleanor Newton Estate and associated real estate consists three parcels: 29 46 24 W3 0080H 0030, 0010 and 0050 be designated but that only the Newton Cottage and associated garage on STRAP 29 46 24 W3 0080H 0030 be identified as historic resources. The other two parcels while still part of this designation contain non-historic buildings, which would not be subject to review for historic preservation.

This recommendation is in keeping with Town of Fort Myers Beach Comprehensive Plan, Historic Preservation Element including: Goal 13, Objective 13-A, and Policies 13-A-4, 13-A-5; 13- B-1

NEWTON PROPERTY



STRAP 29 46 24 W3 0080H 0030

Newton Property – FMB (1/2004)



Gulf view from cottage



South elevation facing the Gulf

Newton Property – FMB (1/2004)



South elevation facing the Gulf



Side (East) of cottage

Newton Property – FMB (1/2004)



Side(East) of cottage



Side (East) elevation of cottage and rear porch area

Newton Property – FMB (1/2004)



Rear porch (North) of Cottage



Side of accessory building East

Newton Property – FMB (1/2004)



Rear porch (North) of Cottage



Side of accessory building East

Newton Property – FMB (1/2004)



Side (West) of cottage

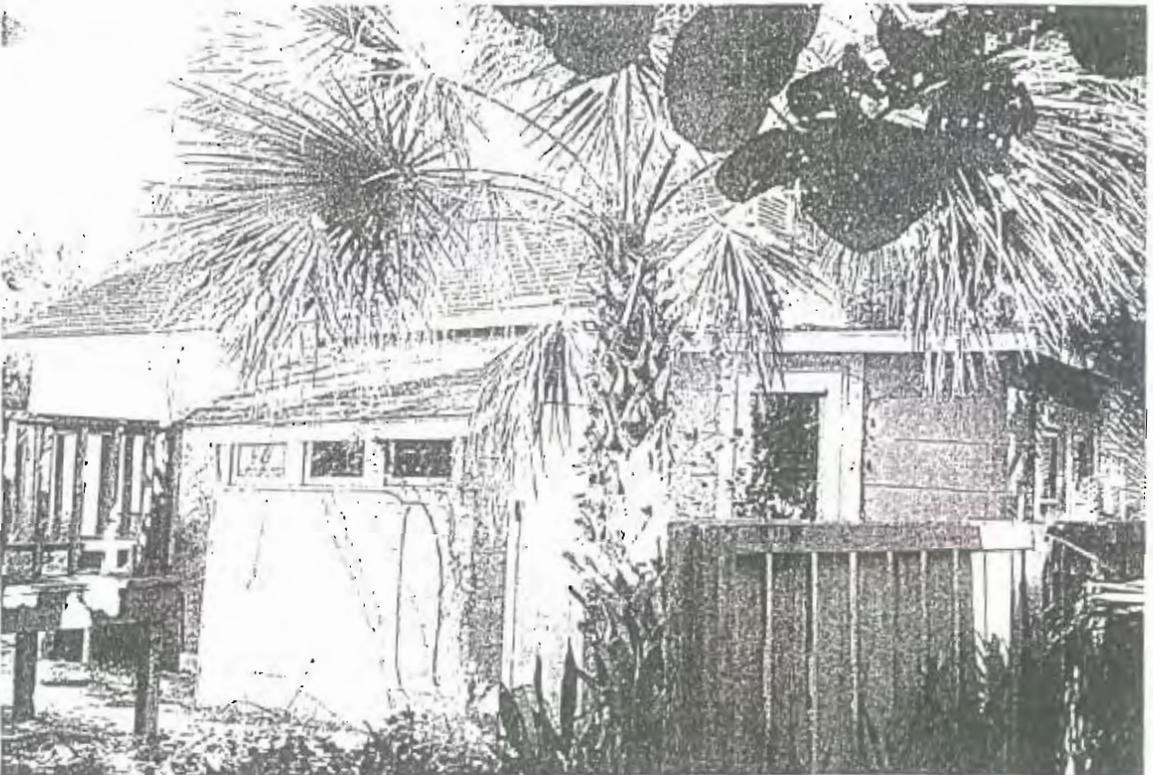


Rear (North) and side (West) of cottage

Newton Property – FMB (1/2004)



Rear (North) elevation of accessory buildings and cottages



South elevation of accessory building

Newton Property – FMB (1/2004)

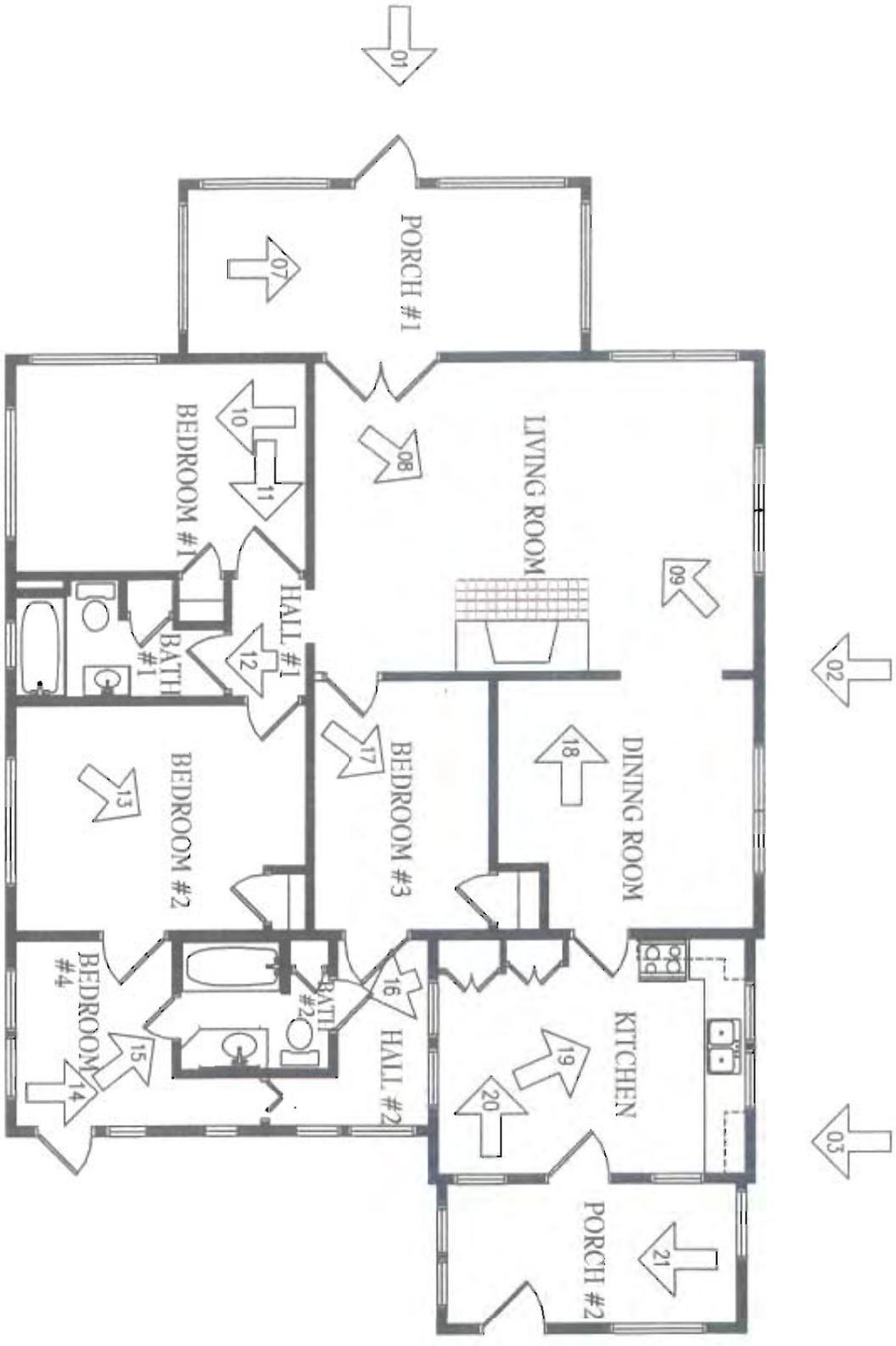


Rear (North) of accessory building



Beach access at Strandview Ave

Ownership Hyde Park Lots - Block H Some Dates Shown are Dates Deed is Recorded					
Year	1 Hyde Park Dev. Co. to Roberta N. Whittemore 4/29/35	2	Lots 3 and 4	Lot 5	6 Hyde Park Dev. Co. to Roberta N. Whittemore 4/29/35
1935					
1936		F. Lynn Gerald Special Master in Chancery to Roberta N. Whitmore 9/25/36		Robley D. Newton and Jane T. Newton to Eleanor Aymai Allison 2/9/40	Robley D. Newton and Jane T. Newton to Eleanor Aymai Allison 2/9/40
1952	Roberta N. Whittemore to Eleanor F. Newton 5/19/52				Roberta N. Whittemore to Eleanor F. Newton 5/19/52
1953		Roberta N. Whitmore to Eleanor F. Newton 1/7/53			
1966			Eleanor Aymai Allison to Alanson P. White Jr. and Janice M. White 10/15/66	Eleanor Aymai Allison to Alanson P. White Jr. and Janice M. White 10/15/66	
1968			Alanson P. White Jr. and Janice M. White to B.M. Hallward Trustees 6/21/68	Alanson P. White Jr. and Janice M. White to B.M. Hallward Trustees 6/21/68	
1972			B.M. Hallward Trustees to Eleanor F. Newton 8/12/72	B.M. Hallward Trustees to Eleanor F. Newton 8/12/72	
1984					Eleanor F. Newton James D. Newton & Assoc., Inc. 5/15/84
1994					James D. Newton & Assoc., Inc. to James D. Newton & Eleanor F. Newton 12/8/94
July 2000				Eriksson Vernon T L Trustee Newton James D Revocable Living Trust to Eriksson Vernon T L Trustee Trust A Trust B 7/10/2000	
Aug 2000	Newton Eleanor F to Eriksson Vernon T L Trustee Newton Eleanor Ford Trust 08/14/2000	Newton Eleanor F to Eriksson Vernon T L Trustee Newton Eleanor Ford Trust 08/14/2000			Newton Eleanor F to Eriksson Vernon T L Trustee Newton Eleanor Ford Trust 08/14/2000
2003	Eriksson Vernon T L Trustee Newton Eleanor Forde Trust and Eriksson Vernon T L Trustee Newton James D Trust to the Trust For Public Land 8/13/2003	Eriksson Vernon T L Trustee Newton Eleanor Forde Trust and Eriksson Vernon T L Trustee Newton James D Trust to the Trust For Public Land 8/13/2003	Eriksson Vernon T L Trustee Newton Eleanor Forde Trust and Eriksson Vernon T L Trustee Newton James D Trust to the Trust For Public Land 8/13/2003	Eriksson Vernon T L Trustee Newton Eleanor Forde Trust and Eriksson Vernon T L Trustee Newton James D Trust to the Trust For Public Land 8/13/2003	Eriksson Vernon T L Trustee Newton Eleanor Forde Trust and Eriksson Vernon T L Trustee Newton James D Trust to the Trust For Public Land 8/13/2003
2003	Trust for Public Land to Town of Fort Myers Beach 11/18/2003	Trust for Public Land to Town of Fort Myers Beach 11/18/2003	Trust for Public Land to Town of Fort Myers Beach 11/18/2003	Trust for Public Land to Town of Fort Myers Beach 11/18/2003	Trust for Public Land to Town of Fort Myers Beach 11/18/2003



EXISTING CONDITION / PHOTO EXHIBIT PLAN



01: West Elevation



02: Partial North Elevation - West



03: Partial North Elevation - East



04: Partial East Elevation - North



05: Partial East Elevation - South



06: Partial South Elevation

Existing Condition Photos: Renker Eich Parks Architects, 2006-2007



RENKER-EICH-PARKS
ARCHITECTS

ARCHITECTURE / HISTORIC PRESERVATION

1000 W. ANSEL STREET SUITE 101 FORT MYERS, FLORIDA 33901

CULTURAL RESOURCE ENHANCEMENT PLAN FOR:
NEWTON BEACH PARK
PREPARED FOR:
TOWN OF FORT MYERS BEACH

MARCH 2007

EXHIBIT

3.2



07: West Porch #1 Looking North



08: Living Room - East



09: Living Room - Southwest



10: Bedroom #1 Looking South



11: Hall #1 Looking East



12: Bathroom #1

Existing Condition Photos: Renker Eich Parks Architects, 2006-2007



RENKER-EICH-PARKS
ARCHITECTS

ARCHITECTURE / HISTORIC PRESERVATION

1401 W. BELL AVENUE, SUITE 300, FORT MYERS, FLORIDA 33901

CULTURAL RESOURCE ENHANCEMENT PLAN FOR:
NEWTON BEACH PARK

PREPARED FOR:
TOWN OF FORT MYERS BEACH

MARCH 2007

EXHIBIT

3.2



13: Bedroom #2
Looking Northeast



14: Bedroom #4
Looking North



15: Bath #2



16: Bath #2



17: Bedroom #3 Looking East



18: Detail of Fireplace Grille

Existing Condition Photos: Renker Eich Parks Architects, 2006-2007



RENKER-EICH-PARKS
ARCHITECTS

ARCHITECTURE / HISTORIC PRESERVATION

1000 UNIVERSITY STREET, SUITE 100, FORT MYERS, FLORIDA 33902
TEL: 888-444-7744

CULTURAL RESOURCE ENHANCEMENT PLAN FOR:
NEWTON BEACH PARK

PREPARED FOR:
TOWN OF FORT MYERS BEACH
FORT MYERS BEACH, FLORIDA

MARCH 2007

EXHIBIT

3.2



19: Kitchen Looking North



20: Porch #2 Looking South



21: Kitchen
Looking West

Existing Condition Photos: Renker Eich Parks Architects, 2006-2007



RENKER-EICH-PARKS
ARCHITECTS

ARCHITECTURE / HISTORIC PRESERVATION
16 SPENGLING STREET, WEST PALM BEACH, FLORIDA 33411

CULTURAL RESOURCE ENHANCEMENT PLAN FOR:
NEWTON BEACH PARK
PREPARED FOR:
TOWN OF FORT MYERS BEACH

MARCH 2007

EXHIBIT

3.2

Town of Fort Myers Beach



Dennis C. Boback
Mayor

Larry Kiker
Vice Mayor

Herb Acken
Seat 1

Bill Shenko, Jr.
Seat 4

Charles Meador, Jr.
Seat 5

April 14, 2008

Ms. Sara Leitman
Florida Communities Trust
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

RE: FCT #02-098-FF2
Newton Beach Park

Dear Ms. Leitman:

As indicated in the 2008 Stewardship Report for the Newton Beach Park, the Town of Fort Myers Beach is in the process of revising the Management Plan to request substantive changes to site-specific conditions listed in Section V of the grant award agreement. This process was initiated in 2007 as indicated in correspondence between Florida Communities Trust and the Town (please see attached letter by Grant Gelhardt).

As the Town moves forward with revisions to the master site plan, I submit here our requested changes so that any areas of concern can be addressed and incorporated into our revisions. The Town recognizes that official review of the revised Management Plan text, timeline, and site plan will occur once that document is submitted.

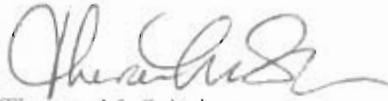
Two of the requested changes were specifically addressed in correspondence from 2007 between myself and Grant Gelhardt and indicated concurrence between the Town and FCT, including:

1. Change user-oriented recreation facilities (Condition 1 of Section V) from volleyball court and shuffleboard court to facilities with a smaller site footprint. It is expected that in the master planning process, these will be bocce ball and one other user-oriented activity. The Town may request that one of the user-oriented facilities be installed coincident with beach renourishment, should it occur.
2. Change Conditions 7 and 10 of Section V requiring the removal of the seawall and modify the conditions to support a dune project coincident with beach renourishment. Based on analysis by Coastal Engineering Consultants, repair of the existing seawall is necessary to protect this property as it occurs in an erosion hot zone for the island.

The Town Council of Fort Myers Beach supports the removal of either of the existing structures to provide significantly more open space for park development. The proposed relocation of one structure is to another Town-owned parcel on the island where it would serve as off-site administrative office space for the Mound House (FCT#96-046-P7A).

Should you have any questions or comments on these proposed changes, please do not hesitate to contact me. The Town Council of Fort Myers Beach will be meeting to review language revisions to the Management Plan on May 21st. If it is possible to have an assessment by Florida Communities Trust on the above mentioned items by that date, it would facilitate the Town's ability to further this project to completion.

Sincerely,



Theresa M. Schober
Director, Mound House & Newton Beach Park

Phone: 239.765.0865

Fax: 239.765.0841

Email: Theresa@FortMyersBeachFL.gov

Florida Communities Trust

May 15, 2008

Theresa Schober, Director
The Mound House & Newton Beach Park Projects
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

TOWN OF
MYERS BEACH
MAY 21 2008
FORT MYERS BEACH

Subject: Modification to the Management Plan
Newton Beach Park
Management Plan 02-098-FF2

Dear Ms. Schober:

This is in response to your letter dated April 14, 2008 and email dated May 9, 2008, requesting management plan modifications. Staff reviewed the request to change the user-oriented facilities from volleyball court and shuffleboard court to facilities with a smaller site footprint and the request to re-locate one structure from the Newton Beach Park to the Town-owned lot on Connecticut St, near the Mound House.

Florida Communities Trust is willing to consider your request to change the user-oriented facilities on the project site. However, to evaluate this request we will need further information on what facilities are proposed and a draft master site plan showing the proposed facilities.

In the 2007 Newton Beach Park Cultural Resource Enhancement Plan, one of the structures located on the project site is called the cottage. It appears that moving the cottage structure from the project site to the Connecticut St parcel (identified on the map in your May 9, 2008 email) is consistent with the approved management plan and the Grant Award Agreement. However, the proposed modifications to move the cottage will require further review as a formal amendment to the approved management plan.

Please submit a formal amendment request for review. The request must identify the specific word changes (using underline for addition and ~~strike-out~~ for deletions) on the affected pages of the Management Plan. Clearly identify the changes proposed, the purpose of need for the change, and any other details that may be helpful in staff making a determination on whether such a change is in conformance with the Grant Award Agreement and FCT rules. Provide a modified master site plan drawing showing the locations of all existing and proposed structures/facilities.

If you have any questions, please call Sara Leitman at (850) 922-1706.

Sincerely,



Grant Gelhardt
Environmental Administrator



Town of Fort Myers Beach

Larry Kiker
Mayor

Herb Acker
Vice Mayor

Tom Babcock
Councilmember

Jo List
Councilmember

Bob Raymond
Councilmember

August 21, 2008

Grant Gelhardt
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RECEIVED

AUG 28 2008

Florida Communities Trust
Department of Community Affairs

Dear Mr. Gelhardt:

I am writing to make a request regarding the Town of Fort Myers Beach Newton Park property. In 2003, the Town purchased the Newton Park property with grant assistance from Florida Community Trust. The property currently includes two buildings which belonged to the Newton family.

The Town has now owned the property for over five years and we are hoping to complete the project and open the park to the public in about twelve months. As I am sure you understand, local governments are under very tight budget constraints this year due to a floundering economy and greatly reduced property values. In order to better ensure the completion of the Newton Park project we are asking that the Town be given the option of demolishing the building known as the Cottage.

Our current financial situation will allow us to complete renovations and improvements to the structure known as the Seven Seas building, all landscaping improvements, parking improvements, recreational assets and interpretive signage at a cost of approximately \$512,964. However, the estimated costs of moving the Cottage, as well as renovating and repairing it, are approximately \$276,500, and we simply do not have the funds available to accomplish this portion of the over-all project.

In order to complete this valuable public project and have it open to the public in an acceptable time frame we are requesting authority from you to give the Town Council the option of demolishing the Cottage at this time.

We would also respectfully request a response no later than September 3, 2008, which is the date of our first public hearing.

If you have any questions please contact me or my assistant.

Thank you,

W. Scott Janke



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 3, 2008

Mr. Grant Gelhardt
Florida Communities Trust Program
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Proposed Demolition of Cottage at Newton Park, Lee County
DHR Project File No.2008-5598, Received: August 21, 2008

Dear Mr. Gelhardt:

As requested by Ms. Sara Leitman of your staff, we have reviewed Mr. W. Scott Janke's August 21, 2008 request, on behalf of the Town of Fort Myers Beach, to demolish the building known as the Cottage on the Newton Beach Park property. The Town's request has been reviewed in accordance with Section 267.061(2), *Florida Statutes*. This review is based on the recommended approaches to rehabilitation set forth in *The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*.

In our May 14, 2007 letter regarding the historic properties on the Newton Park property, we indicated that the Cottage, relocated to the property over 60 years ago, is considered to be of historic importance. However, because of extensive alterations, as documented in the *Cultural Resources Enhancement Plan for Newton Beach* prepared by Rinker Eich Parks Architects, it is our opinion that this residence is not eligible for listing in the *National Register of Historic Places*.

While adaptive reuse of the Cottage to provide support facilities for the park is recommended, given the Town's commitment to rehabilitate the Newton Residence (*Seven Seas*), a property considered to be eligible for the *National Register of Historic Places*, and the limited funding available for treatment of the Cottage, we recommend consideration of mothballing the building for possible future adaptive reuse. If mothballing is determined by the Town to be infeasible, demolition would be acceptable following completion and acceptance of the following documentation by this office: (a) an updated Florida Master Site File form for the building (8LL2038), (b) architectural documentation of the Cottage consistent with the Level 3 standards of the Historic American Building Survey (see www.flheritage.com/preservation/compliance/review/HABS.pdf), and (c) a Florida Master Site File form for *Seven Seas* (currently unrecorded).

Mr. Grant Gelhardt

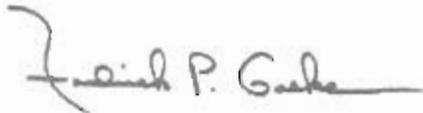
September 3, 2008

Page Two

Also please note that planning documents for the improvement of the park, including the rehabilitation of *Seven Seas*, must be submitted to this office for review prior to initiation of construction. Our review of these documents is authorized by Section 267.061(2) Florida Statutes, and will be guided by the above referenced *Standards*. The Town is encouraged to submit planning documents as early as possible in the planning process (e.g. at the advanced schematic design stage) to allow identification of possible historic preservation concerns and avoidance of costs and project delays associated with plan revisions.

Should you have any questions regarding our review comments, please contact David Ferro, R.A., of my staff at 850-245-6363.

Sincerely,

A handwritten signature in black ink that reads "Frederick P. Gaske". The signature is written in a cursive style with a long horizontal flourish at the end.

Frederick P. Gaske, Director
Division of Historical Resources

TOWN OF
FORT MYERS BEACH

OCT 13 2008

RECEIVED BY

Florida Communities Trust

October 8, 2008

Mr. Scott Janke, City Manager
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Subject: Request to demolish the Cottage at Newton Beach Park
Newton Beach Park
Management Plan 02-098-FF2

Dear Mr. Janke:

This is in response to your letter dated August 21, 2008 requesting permission to demolish a structure listed in the 2007 Newton Beach Park Cultural Resource Enhancement Plan as the Cottage. In the course of reviewing your request, we found that the Division of Historical Resources (DHR) recommends mothballing the building for possible future adaptive use. If the recommended mothballing is determined by the town to not be feasible, it appears that demolishing this structure is consistent with the approved management plan and the Grant Award Agreement as long as the provisions of the attached September 3, 2008 DHR letter are met. However, the proposed modifications to either mothball or demolish the Cottage will require a formal amendment to the Florida Communities Trust management plan for final approval.

Please submit a formal amendment request for review. The request must identify the specific word changes (using underline for addition and ~~strike-out~~ for deletions) on the affected pages of the Management Plan. Clearly identify the changes proposed, the purpose of need for the change, and any other details that may be helpful in staff making a determination on whether such a change is in conformance with the Grant Award Agreement and FCT rules. Provide a modified master site plan drawing showing the locations of all existing and proposed structures/facilities.

If you have any questions, please call Sara Leitman at (850) 922-1706.

Sincerely,



Grant Gelhardt
Environmental Administrator

GG/sfl