

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, March 28, 2023, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Russell Johnson, Secretary
David Riley
Bart Grimes
Susan Perkins, Alternate

Girard Galvin, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Wick Rudd, Vice-Chair
Nicole Shevory, Alternate

D E C I S I O N S

App. #2022-Dec-004. PETITION OF RACHEL SANITA, applicant and owner, **14 Faxon Green**, TAP 34, LOT 223, (R-20 zone), for a special use permit and dimensional variance to construct a 2nd floor addition over a single-story attached garage, convert the garage to an office space, and construct an 83 sq.ft storage addition on an existing 15,553 sq.ft. lot (20,000 sq.ft. required), increasing the lot coverage from 16.5% to 17%. (15% allowed).

Rachel Sanita was present to represent the application. There were no objectors. Board Member Riley proposed that the application be heard as an abbreviated summary. Mr. Grimes agreed. The Board agreed to hear the petition as an abbreviated summary.

Board Member Goldblatt raised the concern that the addition could be used as a separate dwelling unit or short-term rental. The applicant was willing to accept the condition that a full kitchen not be added so that the addition cannot become a separate dwelling unit.

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Johnson, seconded by Mr. Riley, with the conditions that the addition not be created into a separate rental unit, that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

App. #2023-Jan-009. PETITION OF HEATHER BURGESS, applicant and owner, **71 Perry Street**, TAP 35, Lot 001 (R-20 Zone, Historic Overlay), for a special use permit and a variance to the dimensional requirements for permission to construct a new front entry overhang, new cupola, new pitched roof over entry tower and new dormers, all with less than required setbacks. Removal of the rear deck and steps create a 1' 7" rear setback.

The applicant was represented by Attorney Tanner Jackson. Ms. Burgess and Architect David Andreozzi were also present. One objector, Anne Cameron speaking on behalf of Wendy Lazarno, was present.

Mr. Jackson stated that the house is on a very substandard lot, being 3,957 square feet in the R-20 zone with the house being very close to the property lines. Board Member Goldblatt asked if the applicant was requesting to locate the AC unit over the property line. Mr. Jackson clarified that the AC unit is currently over the property line and the applicant is requesting to move the unit to the east side of the property, within the boundary.

Board Member Riley asked the applicant to explain the noise complaints referenced in multiple letters of opposition. Ms. Burgess stated that her college-age daughter was responsible for the noise issues while living at her other property to the rear, 3 Bellevue Court, and that she had addressed it. There were no noise complaints associated with 71 Perry Street. The applicant stated that creating a structural noise barrier would be infeasible and out of character with the neighborhood, but was willing to maintain evergreen shrubs as visual screening on the west boundary.

Ms. Burgess answered questions about her intentions for restoring and using the property. The applicant intends to restore the property to have more of its historic features as a carriage house. The application received unanimous approval from the HDC. The property will be used in conjunction with 3 Bellevue Court as a “family compound” for the use of visiting family and friends, and will no longer be rented.

A motion to approve the afore-mentioned full hearing item was made by Mr. Johnson, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. A roll call vote was taken. The motion was unanimously approved.

Attorney Jackson will prepare the draft decision.

App. #2023-Jan-008. PETITION OF BRENT AND ANNIKA WAGNER, applicants and owners, **22 South Baptist Street**, TAP 32, Lot 164 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to remove an existing deck from the garage and construct a 2-story addition with a 2.5’ side set back (10’ required) and with a 3’ rear set back (20’ required), and increasing lot coverage from 68% to 69% (20% allowed).

Brent Wagner was present to represent the application. There was one written objection that had been withdrawn. Board Member Riley proposed that the application be heard as an abbreviated summary. The Board agreed to hear the petition as an abbreviated summary.

Mr. Wagner explained that the 2-story addition was in the location of the existing deck. The withdrawn objection was from a neighbor who was concerned that the addition would be used as an AirBnB, but the neighbor was comfortable with the proposal after the applicant explained that the addition was not going to be a guest house.

A motion to approve the afore-mentioned full hearing item was made by Mr. Johnson, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

Staff will prepare the draft decision.

App. #2023-Feb-009 PETITION OF THAMES 515, LLC, applicant and owner, **515 Thames Street**, TAP 35, Lot 020-6, (WB Zone) for a special use permit and variances to the dimensional requirements to convert a single dwelling unit, located above a restaurant, into a three (3) bedroom guest house, providing zero (0) additional parking spaces (1 existing, and 11 required) on a non-conforming property.

The applicant was represented by Attorney Russell Jackson. Property manager John Boxer and traffic engineer Todd Brayton were also present. Three objectors were present: Johanna Vetri of 6 Dearborn Street, Linda Lupo of 18 Holland Street, and Jeanine Bestoso of 31 Dearborn Street.

Mr. Jackson explained that the property currently has two non-conforming parking spaces that require the driver to back in to the street. A guest house in the WB Zone is permitted by right, but to convert the long-term rental to a guest house would require relief for an additional parking space and relief from commercial requirements that the parking space not require the driver to back up directly into the street. The traffic engineer answered questions about traffic safety in the area. Mr. Brayton believes that given the speed and number of trips, backing onto Thames Street should be safe, and stated that there were 3 accidents in the area in the past year.

All three objectors stated that they believed the traffic conditions in the area were too hazardous for guests to back out onto Thames Street. Objector Jeanine Bestoso stated that she had stopped using her property as a short-term rental due to the limited parking and guests not respecting parking directions.

A motion to approve the afore-mentioned full hearing item was made by Mr. Johnson, seconded by Mr. Riley. A roll call vote was taken. Mr. Johnson voted to deny based on lack of parking and belief that the unit should remain a long-term rental, but had no problem with the current parking configuration as backing out is an existing condition. Ms. Perkins voted to approve, believing that backing out would not be an issue. Mr. Grimes voted to approve, citing the parking conditions as a hardship. Mr. Riley voted to deny, stating that the parking situation is a safety issue and there is a reason that the zoning code was set up with different standards for residential and guest house parking. Mr. Goldblatt voted to deny, believing the parking conditions to be injurious to the neighborhood and stating that the traffic analysis was not credible. As the application did not receive the necessary four positive votes, the vote fails, and the application is denied.

Attorney Jackson will prepare the draft decision.

App. #2023-Feb-010 PETITION OF FRANK SIDOTI, JR., applicant and owner, **7 Waites Wharf**, TAP 32, Lot 283, (WB Zone) for a special use permit and variances to the dimensional requirements to convert a single-family dwelling unit, into a four (4) bedroom guest house, without providing the required minimum aisle width and access driveway.

The applicant was represented by Attorney Russell Jackson. Applicant Frank Sidoti and traffic engineer Todd Brayton were also present. Three objectors were present: Collette and Paul Bernard of 485 Thames Street, and Timothy Sterns of 14 West Extension Street.

Mr. Jackson stated that the property has historically been used and registered with the city as a guest house. The property provides the required number of on-site parking spaces but requires relief from commercial parking standards. The Board asked clarifying questions about the use of the property and when they were asked to seek zoning relief. Mr. Jackson stated that they had records of the property being used and registered as a guest house since at least 2016, with the owner annually renewing the registration almost every year. The city informed Mr. Sidoti that he needed to apply for zoning relief when he went to reregister the property in 2022.

All three objectors claimed that the neighbor never used the property as a short-term rental, that there are frequently upwards of 10 cars parked at the property that make navigating the road difficult, and that the property is a “party house” used for reunions and weddings.

A motion to approve the afore-mentioned full hearing item was made by Mr. Johnson, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. A roll call vote was taken. The motion was unanimously approved, with comments urging the property owner to work with and address the grievances of his neighbors.

Attorney Jackson will prepare the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 9:40pm.