

Posted 1/18/2024

**NEWPORT ZONING BOARD OF REVIEW**  
**Monday, January 22, 2024 – 6:00 P.M.**

**I. Call to Order**

**II. Roll Call and Determination of Quorum**

**III. Minutes:**

1. December 18, 2023

**IV. Communications –**

**1. Action Items**

- i. Proposed Zoning Application Submittal Requirements
- ii. Extension Request – 13 Commonwealth Avenue
- iii. Extension Request – 31 Mt. Vernon Street
- iv. Set Special Meeting Date – February 12, 2024

**2. Communications - Regarding 54 Hammersmith Appeal**

- i. Objection to Appeal – Wallace, received September 9, 2023
- ii. Objection to Appeal – Harris, received September 19, 2023
- iii. Objection to Appeal – Richmond, received September 19, 2023
- iv. Objection to Appeal – Warren, received September 19, 2023
- v. Objection to Appeal – Isham, received September 25, 2023
- vi. Objection to Appeal – Matt Hamilton, received September 25, 2023
- vii. Objection to Appeal – Sam Hamilton, received September 25, 2023
- viii. Objection to Appeal – Leatherman, received September 25, 2023
- ix. Objection to Appeal – Pell, received September 25, 2023
- x. Objection to Appeal – Rives, received January 16, 2024

**V. Summary Calendar**

1. App. #2023-Dec-004 PETITION OF PATRICIA HENRY and ERICA GAROFALO, applicants and owners, **5 Harvard Street**, TAP 07, Lot 370, (R-10 Zone) for a special use permit and dimensional variance to construct a rear deck, increasing the lot coverage from 27.4% to 31.8% (20% allowed).  
Application Materials, October 27, 2023  
Revised Application Materials, December 8, 2023  
Staff Report, January 18, 2024

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2. App #2024-Jan-001 PETITION OF TAMMY BROWN, applicant and owner, **515 Ocean Avenue**, TAP 44, Lot 123, (R-40A Zone, Historic Overlay), for a special use permit and variance to construct a second-story addition located 21'-2" from the north (side) property line (40' required).  
Application Materials, November 14, 2023  
Letter of Support, DiPrete, January 12, 2024  
Staff Report, January 18, 2024
3. App #2024-Jan-002 PETITION OF PETER MORLEY, applicant and owner, **17 Narragansett Avenue**, TAP 40, Lot 047, (R-10 Zone), for a special use permit and variance to construct a 96 sq.ft. accessory shed, located 3'-6" from the east (side) and south (rear) property lines (10' required for both), increasing the lot coverage from 21.1% to 23.9% (20% allowed).  
Application Materials, November 27, 2023  
Staff Report, January 18, 2024
4. App #2024-Jan-003 PETITION OF LAURA & WAYNE GLAZIER, applicants, LAURA GLAZIER 1998 FAMILY TRUST, Owner, **7 Hope Street**, TAP 11, Lot 162, (R-10 Zone), for a special use permit to make exterior modifications to an existing, non-conforming accessory structure located approximately 1' from the west (side) and south (rear) property lines (10' required for both).  
Application Materials, November 27, 2023  
Staff Report, January 18, 2024
5. App #2024-Jan-005 PETITION OF GEORGE ANTONE, applicant and owner, **6 Brooks Avenue**, TAP 06, Lot 048, (R-10 Zone), for a dimensional variance to install a generator 8' from the west (side) property line (10' required).  
Application Materials, December 12, 2023  
Staff Report, January 18, 2024

## **VI. Abbreviated Summary**

1. Amended App. #2023-Jul-011 PETITION OF 49 & A HALF THIRD STREET, LLC, applicant and owner **49 ½ Third Street**, TAP 12, Lot 269, (R-10 Zone, Historic Overlay) to demolish an existing single-family dwelling and detached garage and construct a new single-family dwelling and attached garage, located 5'8" from the north side property line, 7'6" from the east side property line (10' required for both) and 11' from the west (front) property line (15' required), construct a bulkhead 4'9" from the north side property line and two AC condensers 4'3" from the north side property line (10' required for both), establishing a lot coverage of 39% (20% allowed).  
Application Materials, June 12, 2023  
Supplemental – Houle Report, November 20, 2023  
Public Comment – Combined, November 22, 2023  
Staff Report, November 22, 2023  
Withdrawal of Objection, December 26, 2023

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Amended Site Plan, December 27, 2023  
Supplemental Staff Report, January 18, 2024

2. App. #2023-Dec-005 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicant and owner, **102-108 Girard Avenue**, TAP 03, Lot 011, (R-10 Zone) for a modification to a special use permit and dimensional variance to relocate exterior decks to the east of the existing buildings, located 11' from the front property line (15' required).  
Application Materials, October 30, 2023  
Staff Report, January 18, 2024
3. App #2024-Jan-004 PETITION OF JOHN CURTIS, applicant and owner, **3 Lincoln Street**, TAP 19, Lot 107, (R-10 Zone), for a special use permit and dimensional variances to demolish an existing two-story rear addition and construct a new one-story rear addition, located 3'-8 ¼" from the north (side) property line, increasing the lot coverage from 42% to 44% (20% allowed).  
Application Materials, December 8, 2023  
Letter regarding Project Changes, January 16, 2024  
Supplemental Plans, January 16, 2024  
Staff Report, January 18, 2024

## **VII. Full Hearing Petitions to be Considered**

1. \*App. #2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a detached carriage house 16' from the front property line (100' required). (**Continued from 10/23/2023**)  
Application Materials, June 12, 2023  
Supplemental – Houle Report, October 18, 2023  
Public Comment – Combined October 19, 2023  
Staff Report, October 19, 2023
2. \*Amended App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second Street**, TAP 9, Lot 320, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and construct a new single-family dwelling which will be located 5' from the north property line, (10' required), and construct a detached shed which will be located 4' from the north property line and 4' from the east property line (10' required for both), establishing the lot coverage of 35.4% (20% allowed).  
Application Materials, February 28, 2022  
Amended Application, March 13, 2023  
Opposition - Schmidt, July 18, 2023  
Amended Application, August 4, 2023

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Historic District Commission Decision, Recorded October 11, 2023  
Supplemental – Jim Houle Report, November 21, 2023  
Supplemental – Abutter Comparison, November 21, 2023  
Supplemental – Initial vs. Current Design, November 21, 2023  
Supplemental – Renderings, November 21, 2023  
Staff Report, November 22, 2023

\*Indicates objection(s) to the application

### **VIII. Appeals – Beginning at 9:00pm**

1. \*APPEAL OF MARK & IDA ARAMLI, owners and applicants; **54 Hammersmith Road**, TAP 43, Lot 54, (R-160 zone); appealing the decision of the Historic District Commission denying the Appellants application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall. (**Oral Arguments and Deliberation**)
  - a. HDC Record
    1. Application Materials Part I.
    2. Application Materials Part II.
    3. Applicants’ Exhibit 1 to June 15, 2021 Hearing-Solar Roof Shingle Specification (screenshot)
    4. Transcript of June 15, 2021 hearing
    5. June 29, 2021 addendum
    6. Letter from Attorney Matthew Leys dated July 2, 2021.
    7. Letter of Objection from Lisa Stubbs dated July 12, 2021
    8. Letter of Objection from Peter Harris dated July 14, 2021
    9. Letter of Objection from Robin Grace Warren dated July 15, 2021
    10. Letter of Support from Peter Mueller dated July 18, 2021
    - 10A. Letter of Support from Linda and Robert Kempenaar dated July 21, 2021
    11. Letter of Support from Matt Hamilton dated August 12, 2021
    12. Letter from Applicant to Helen Johnson, dated August 31, 2021
    13. Letter from Applicant to Robin Warren, dated August 31, 2021
    14. Letter from Applicant to Peter Harris, dated August 31, 2021
    15. Letter from Applicant to John Richmond, dated August 31, 2021
    16. Letter from Attorney Peter Regan dated September 3, 2021.
    17. Email from Attorney Girard Galvin dated September 8, 2021.
    18. Letter from Attorney Matthew Leys dated September 10, 2021.
    19. August 30, 2021 addendum
    20. September 2021 Staff Report, prepared by Preservation Planner, Helen Johnson
    21. Applicants’ Exhibit A to September 16, 2021 hearing-resume of Lucinda Brockway.
    22. Applicants’ Exhibit B to September 16, 2021 hearing-resume of John Grosvenor.

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23. Applicants' Exhibit C-2008 Site Plan.
  24. Transcript of September 16, 2021 hearing.
  25. January 2022 supplemental materials.
  26. Letter and Exhibits from Attorney Matthew Leys dated January 21, 2022.
  27. Transcript of February 3, 2022 hearing.
  28. Letter from Attorney Matthew Leys dated February 7, 2022.
  29. Letter and Exhibits from Attorney Matthew Leys dated February 28, 2022.
  30. Staff Report dated March 11, 2022.
  31. Objectors' Exhibit A to March 15, 2022 Hearing-Applicant's Setback Study (with additions added by witness) (included with Letter and Exhibits from Attorney Matthew Leys dated January 21, 2022).
  32. Objectors' Exhibit B to March 15, 2022 hearing- Letters of Objection (included with Letter and Exhibits from Attorney Matthew Leys dated January 21, 2022).
  33. Objectors' Exhibit C to March 15, 2022 hearing-resume of John Tschirch (included with Letter and Exhibits from Attorney Matthew Leys dated January 21, 2022).
  34. Objectors' Exhibit D to March 15, 2022 hearing-PowerPoint presentation by Mr. Tschirch (included with Letter and Exhibits from Attorney Matthew Leys dated January 21, 2022).
  35. Objectors' Exhibit E to March 15, 2022 Hearing-Nominating Papers for the Ocean Drive Historic District.
  36. Applicants' PowerPoint (pages 1-5 only) from March 15, 2022 hearing.
  37. Transcript (corrected) of March 15, 2022 hearing.
  38. Letter and Notice of Appeal from Attorney Peter Regan dated March 25, 2022.
  39. HDC Decision recorded June 20, 2022.
  40. Letter and Notice of Claim of Appeal of Mark and Ida Aramli from Attorney William Landry dated June 30, 2022.
- b. Appellant's Brief and Exhibits
1. Appellant's Brief
  2. Index of Exhibits
  3. Exhibits
    - a. Exhibit 1
    - b. Exhibit 2
    - c. Exhibit 3
    - d. Exhibit 4
    - e. Exhibit 5
    - f. Exhibit 6
    - g. Exhibit 7
    - h. Exhibit 8
    - i. Exhibit 9
    - j. Exhibit 10

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- k. Exhibit 11
- l. Exhibit 12
- m. Exhibit 13
- n. Exhibit 14
- o. Exhibit 15
- p. Exhibit 16
- q. Exhibit 17
- r. Exhibit 18
- s. Exhibit 19
- t. Exhibit 20
- u. Exhibit 21
- v. Exhibit 22
- w. Exhibit 23
- x. Exhibit 24
- y. Exhibit 25
- z. Exhibit 26
- aa. Exhibit 27
- bb. Exhibit 28
- c. Appellee's Brief and Exhibits
  - 1. Appellee's Opposition Brief
  - 2. Appellee's Combined Exhibits
- d. Appellant's Reply Brief
- e. Email from Counselor Aramli to Zoning Board

**IX. Full Hearing Petitions to be Continued**

1. \*Amended App. #2023-Apr-005 PETITION OF DAVID PLATT, applicant and owner, **70 Bridge Street**, TAP 16, Lot 078, (R-10 Zone, Historic Overlay) for a special use permit, dimensional variance, and regulatory variance to construct a second principal residential building on a property, increasing the lot coverage from 25.58% to 35.28% (20% permitted). (**Continue to 2/12/2024**)
2. \*Amended App. #2023-Jun-006 PETITION OF LAURA TREONZE, applicant and owner, **69 Third Street**, TAP 12, Lot 024, (R-10 Zone, Historic Overlay), for a special use permit and dimensional variances to remove a raised patio and side porch, and construct a new, detached 1 ½-story garage, located 2' from south (side) property line and 2' from the east (rear) property line (10' required for both), increasing the lot coverage from 30.7% to 35% (20% allowed). (**Continue to 2/12/2024**)
3. App. #2023-Sept-008 PETITION OF ROBERT & KATHLEEN QUTUB, applicants and owners, **437 Bellevue Avenue**, TAP 36, Lot 008, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variances to construct an in-ground pool located 21'-2.5" from the Webster Street front

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property line (50' required), replace an existing mudroom entry stairs with covered entry, extend the kitchen entry porch, add new rear stairs to the patio, and add an outdoor kitchen and grill counter, increasing the lot coverage from 12.87% to 15.47% (10% allowed). **(Continue to 2/12/2024)**

4. \*App. #2023-Sept-009 PETITION OF WILLIAM AND LISA COLLINS, applicants and owners, **5 Waites Wharf**, TAP 32, Lot 158, (WB Zone) for a special use permit and dimensional variances to convert an existing single-family dwelling to a four bedroom guest house, providing zero additional parking spaces (2 additional needed for bedrooms and 1 needed for manager space), without complying with commercial parking space standards, including minimum driveway aisle width, 24' access driveway aisle, and maneuvering into the right-of-way. **(Continue to 2/12/2024)**
5. \*App. #2023-Sept-011 PETITION OF TIMOTHY and ROBERTA HARRINGTON, applicants and owners, **85 Pope Street**, TAP 32, Lot 103, (R-10 Zone) for a special use permit and dimensional variance to install AC condensers located 0' from the East Street front property line (15' required). **(Continue to 2/12/2024)**
6. App. #2023-Oct-011 PETITION OF PATRICK KILROY, TRUSTEE, applicant, BONNIE B. KILROY, TRUST, owner, **9 Beacon Hill Road**, TAP 41, Lot 006, (R-40 Zone; Historic Overlay) for a special use permit, dimensional variances, and a regulatory variance to the allowable number of principal dwelling units on a single property, to construct a new single-family dwelling on a property containing 6 existing dwelling units, located 35' from the Beacon Hill Rd. front property line and 20' from the Pen Craig Place front property line (50' required for both). **(Continue to 2/12/2024)**
7. App. #2023-Oct-012 PETITION OF HARBOUR REALTY, LLC, applicant and owner, **25 Waites Wharf**, TAP 32, Lot 155, (GB Zone) for a retroactive approval request for a special use permit to operate a 378 sq.ft. commercial outdoor recreation facility (axe throwing). **(Continue to 2/12/2024)**
8. \*App. #2023-Nov-011 PETITION OF KEITH CULLEN, applicant and owner, **84 Dr. Marcus Wheatland Boulevard**, TAP 14, Lot 092, (GB Zone) for a special use permit and dimensional variances to demolish an existing two-family dwelling and construct a three-unit Guest House, a variance to the off-site manager parking space, variances to commercial parking space standards to allow reversing onto the right-of-way and not providing the 24-foot drive aisle, and a variance to the requirement to underground utilities. **(Continue to 2/12/2024)**
9. App. #2023-Nov-012 PETITION OF FAMILY RETREAT LLC and KARL FEITELBERG, applicants and owners, **15 Atlantic Avenue**, TAP 44, Lot 132, (R-40A Zone, Historic Overlay) for dimensional variances to construct a pergola over an existing patio, construct an outdoor kitchen, and construct an in-ground pool and raised patio and decking located approximately 16' from the rear property line (20' required), increasing the lot coverage from 8% to 11.9% (10% allowed). **(Continue to 2/12/2024)**



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10. \*App. #2023-Dec-013 PETITION OF KAREN McGUINNESS, TRUSTEE, applicant and owner, **172 Spring Street**, TAP 24, Lot 309, (GB Zone, Historic Overlay) for a dimensional variance to convert the existing single-family dwelling into a 4-bedroom guest house without providing additional on-site parking spaces (4 additional required). (**Continue to 2/12/2024**)
11. \*App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for a special use permit and dimensional variances to construct an accessory shed in the rear yard, located 2' from the south (side) and east (rear) property lines (10' required for both), increasing the lot coverage from 24.9% to 26.8% (20% allowed). (**Continue to 2/12/2024**)
12. Amended App. #2023-Dec-002 PETITION OF JANN RAY MEDEIROS, applicant and owner, 0 Champlin Street, TAP 23, Lot 003, (R-10 Zone), for a special use permit and dimensional variances to construct a new single-family dwelling with a height of 33'-6" (30' allowed), increasing the lot coverage from 4.3% to 29.4% (20% allowed), and install two HVAC units located 4' from the north (side) property line (10' required). (**Continue to 2/12/2024**)
13. \*App. #2023-Jul-010 PETITION OF BAYCOAST BANK, applicant, LION CAPITAL, LLC, owner, **137 Broadway**, TAP 19, Lot 025, and **131-133 Broadway**, TAP 19, Lot 026 (GB Zone) to construct a new bank, requiring variances to provide 45 degree parking without the necessary 20-foot drive aisle, and proposing drive-thru ATMs, resulting in the stacking of vehicles that (1) hinders on-site traffic circulation; (2) obstructs any area required for the on-site maneuvering of vehicles, and (3) impinges upon designated parking spaces for persons with disabilities and the direct access from such parking spaces to the business entrance. (**Continue to 2/12/2024**)

\*Indicates objection(s) to the application

### **X. Inactive Petitions & Appeals:**

1. **Appeals Awaiting Transcripts or Briefs:** None
2. **Petitions Pending Other Board Decisions (Continued Generally)**
  1. App. #2023-Oct-006 PETITION OF CHRISTOPHER DiNAPOLI, owner, CHRISTOPHER and BETHANY DiNAPOLI, owners, **287 Gibbs Avenue**, TAP 23, Lot 047, (R-20 Zone) for dimensional variances triggered after proposed subdivision, resulting in a sunken patio and an outdoor grill placed 6 ½' from the side property line (15' and 10' required respectively), resulting in a lot coverage of 21.8% (15% allowed). (**Pending Planning Board**)
  2. App. #2023-Nov-010 PETITION OF C.C.B CAPITAL & REAL ESTATE, INC., applicants and owners, **406-410 Thames Street**, TAP 27, Lot 184, (LB Zone) for a special use permit and



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dimensional variance to convert a dwelling to a guest house, with no on-site manager, without providing additional parking spaces (2 additional parking spaces required). (**Pending Planning Board**)

### **XII. Other Inactive Petitions**

1. \*PETITION OF BP REALTY, LLC, applicant and owner; **Banisters Wharf**, DBA The Black Pearl, TAP 24, Lot 276, (WB zone); for a special use permit and variance to the dimensional requirements for permission to install a 14'2" by 7'6" retractable awning structure over the northern portion of the existing outdoor bar area which will be located 0' from the north property line (5' required).
2. APPEAL OF MR. JASON PERKINS, appellant; NRI 12 GOODWIN ST PARTNERSHIP, owner; appealing the issuance of building permit #125985 applying to the property located at **12 Goodwin St.**, TAP 35, Lot 244, (WB zone).

### **XIII. Adjournment**

**Please note:**

*Meetings begin promptly at the time posted and will not last for more than four (4) hours. The Board normally will take a short break after 1½ to 2 hours of hearings to re-assess the agenda and their ability to reach the remaining items pending before it.*

*The Board will not entertain/begin a new petition after 9:30 p.m. and will conclude all hearings at 10:00 p.m. therefore some petitions cannot be heard due to these time constraints and will be continued to the next regular meeting date.*

***Please send any inquiry to Nick Armour, Zoning Officer, at [narmour@cityofnewport.com](mailto:narmour@cityofnewport.com) or call (401) 845-5452***