

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, March 27, 2023, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice-Chair
Russell Johnson, Secretary
David Riley
Bart Grimes

Girard Galvin, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Nicole Shevory, Alternate
Susan Perkins, Alternate

The minutes of the following meetings were approved:
January 23, 2023

The following withdrawal requests were considered and accepted:

- 52 & 56 Thames
- 5 Princeton

The following requests for a Special Meeting were considered and accepted:

- App #2019-Aug-1 – “Waites Wharf Hotel”

D E C I S I O N S

A motion to adopt the staff reports, plans and applications as the Board’s findings of fact on items listed below on the Summary Calendar section of the agenda was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Mar-001 PETITION OF MATTHEW NERI, applicant and owner, **20 Mumford Avenue**, TAP 07, Lot 252, (R-10 Zone) for a special use permit and dimensional variance to construct a second story addition and front and rear door coverings, located 10’-8” from the front property line (15’ required), increasing the lot coverage from 26% to 28.6% (20% permitted).

A motion to approve the afore-mentioned summary item 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 was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Mar-002 PETITION OF AIDA AND TIMOTHY NEARY, applicants and owner, **36 Newport Avenue**, TAP 10, Lot 149, (R-10 Zone) for a special use permit and dimensional variance to place two condenser units 8'-0" from the side property line (10' required).

A motion to approve the afore-mentioned summary item 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 was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Mar-005 PETITION OF STEVEN & CAROLINE SULLIVAN, applicants and owners, **22 Channing Street**, TAP 10, Lot 079, (R-10 Zone) for a special use permit and dimensional variance to construct an addition, deck, increasing the lot coverage from 19.4% to 21.9% (20% limit), and placement of a bulkhead 2'4" from the left side property line. (10' required).

A motion to approve the afore-mentioned summary item 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 was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Mar-011 PETITION OF DAVE GREELISH, applicant and owner, **5 Wellington Avenue**, TAP 39, Lot 043-4, (R-10 Zone) for a dimensional variance to place a condenser at 2' from the side and 3' from the rear property line (10' required for both).

A motion to approve the afore-mentioned summary item 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 was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Mar-16 PETITION OF KIMBERLY SABBAGH, applicant, **SEACOAST MORTGAGE CORPORATION**, owner, **425 Thames Street**, TAP 32, Lot 021, (WB Zone) for a reapproval of a special use permit and dimensional variance to allow a fast-food restaurant (juice bar) in an existing commercial space, and keep 100 sq.ft. for use as a mortgage office, providing 0 additional off-site parking spaces (3 additional required).

Board Member Grimes asked why the application was for reapproval. The applicant responded that after the initial application was approved, the opening of the juice bar was delayed so that the space could continue to be used as a mortgage office until a new office for the mortgage company could be opened elsewhere. The applicant was not aware that they could have asked for a continuance.

Board Member Rudd asked if there was onsite parking for the existing mortgage office. The applicant responded that there was no onsite parking and that the company paid for off-site employee parking.

Board Member Rudd asked why the application was for a combined use of a juice bar and an office space, where the previously approved application had been for a change of use to only a juice bar. The applicant responded that they intended for the space to be used as solely a juice bar in the summer months, and to operate both the juice bar and the mortgage company in the space in the off-season.

The Board consulted the City Solicitor and determined that the applicant could not change the use to a juice bar if they continued to have an office space in the same unit.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the mortgage office component be removed from the application, 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 was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2022-Apr-10. PETITION OF DOUGLAS LOWENSTEIN, applicant and owner; **37 Dennison Street**, TAP 32, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story rear addition which will be located 7.2' from the west property line, (10' required), a rear stair addition which will be located 5.6' from the south property line, (20' required), and a bulkhead addition which will be located 9.4' from the east property line, (10' required). Said additions will increase the lot coverage from 34% to 44%, (20% allowed).

The applicant was represented by Attorney Peter Regan. Mr. Lowenstein was also present. No members of the public were present to comment. The original written opposition from the rear abutter, Christine Egan, was withdrawn as they had reached an agreement that the applicant accept four conditions. The owner answered a few questions about why they are seeking to construct an addition, and noted that the average lot coverage in their neighborhood is 46.5%, which is higher than the lot coverage that they are requesting.

Board Member Riley noted that the proposed lot coverage was fairly high and asked if the applicant had plans to add structures in the future that may further increase lot coverage, such as a shed. The applicant responded that he had no such plans.

Board Member Johnson asked about the height of the proposed fence and location of the access stairs. The applicant responded that the new fence would be the same height as the old fence, 7 feet, and that, per their neighbor's request, the access stairs were moved to the side of the property.

Board Member Goldblatt asked if the existing lot coverage was the same as when the applicant first bought the property. The applicant responded yes.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the four conditions set by Christine Egan to accept the surveyed line as the property line, to move the fence back to the accepted property line, to plant a row of evergreens to screen the addition from the Egan's property, and that the neighbors will cooperate; and 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.

Attorney Regan will prepare the draft decision.

App #2022-May-10. Amended PETITION OF JAMES FRY and MAUREEN THOMPSON, applicants and owners; **15 Slocum Street**, TAP 34, Lot 123, (R-10 zone); for a special use permit and

a variance to the dimensional requirements for permission to add an 11' x 14' screened porch which will be located 8' 7.5" from the east property line (10' required), and a 6' x 10' shed addition which will be located 8' 4" from the west and 5' from the south property lines (10' required). Said proposal will increase the lot coverage from 34.6% to 42.9% (20% allowed).

The applicants were represented by Attorney Peter Regan. The applicants, their designer Shawn Harris, and real estate expert Jim Houle, were also present. One objector, abutter Michael Grant of 17 Slocum Street, was present.

Due to the objection by their neighbor, the applicants revised their application to reduce the length of the porch from 12' to 11' out from the house, reduced the height of the enclosed porch by 6", situated the porch away from the neighbor's windows, and moved the shed to the rear of the house.

The Board asked the applicant questions clarifying the location and dimension of the proposed structures. Board Members Grimes and Johnson commented that attaching the shed to the house is unusual and asked if a screened porch is typical and congruous with the neighborhood. The applicant responded that attaching the shed can be done and that there are screened porches in the neighborhood that used to be "sleeping porches".

Board Members Goldblatt and Johnson asked about the acoustics of the porch and commented that the proposed side porch is incongruous with the existing front porch. Mr. Regan responded that the applicant is open to vegetative screening and sound dampening materials, not screening in the porch, and not converting it into year-round living space.

The objector, Mr. Grant, stated that he believes that the porch, as proposed, would negatively impact him as it reduces greenspace and he can already regularly hear activity from this property without the porch.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, that evergreen screening be planted between the porch and 17 Slocum Street, that sound dampening materials be incorporated into the screened porch, that the porch may not be fully enclosed or converted to year-round living space without the prior approval of the board, that the porch design be compatible with the overall design of the house, and that the applicants confer with Mr. Grant regarding the porch and vegetative screening. A roll call vote was taken. Board Members Goldblatt, Rudd, Riley, and Grimes voted to approve. Board Member Johnson voted to deny. Receiving the necessary four positive votes, the application was approved.

Attorney Regan will prepare the draft decision.

App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; **11 W. Narragansett Avenue**, TAP 39, Lot 64, (R-10 zone); for permission to reconfigure the front porch and stairs, add two dormers along the third floor north and south roof lines; add a rear addition to the south side of the existing structure; and add a rear exterior porch and staircase to the side of the house. Said additions to be located 2.25' from the west property line and 8.2' from the east property line, (10' required), and will increase the lot coverage from 38% to 49.4%, (20% allowed).

The applicants were represented by Attorney Peter Regan. Mr. Regan requested a continuance based on the neighbors concerns and a new objection. The continuance was granted.

App. #2022-Oct-5. PETITION OF DONALD & TRACY FITCH, applicant and owner; **2 Ashurst Place**, TAP 19, Lot 113, (R-10 zone); for a special use permit and a variance to the dimensional requirements to construct a third floor dormer, a roof deck, and access stairs, located 3.8' from the side property line (10' required) and 6.2' from the front property line (15' required), which increase the height from 30.5' to 35.25' (30' limit), and construct an expanded stairs, which increase the lot coverage from 32% to 33% (20% limit).

The application was continued by request of the Applicant. The continuance was granted.

App. #2022-Oct-10. PETITION OF THOMAS & CHERI DUGAN, applicant and owner; **79 Connection Street**, TAP 39, Lot 026, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to extend exterior stairs and construct additional story with attic, reducing front setback from 9.6' to 7.6' (15' required); Also, to add 6'x12' shed, located 2' from rear and side property line (10' required); increasing lot coverage from 36% to 40% (20% allowed).

The application was continued to the 4/24/23 meeting by request of the Applicant. The continuance was granted.

*App. #2022-Dec-001. PETITION OF SPRUCE HOMES, LLC, owner and SEAN NAPOLITANO applicant; **0 Carroll Avenue**, TAP 41, LOT 93, (R-10 zone), for a special use permit and dimensional variance to construct a new single-family home with a detached garage on an existing 5,015 sq.ft. lot (10,000 sq.ft. required), with lot coverage of 29% (20% allowed).

The application was continued to the 4/24/23 meeting by request of the Applicant. The continuance was granted.

All remaining Petitions were continued.

Meeting was adjourned at 9:25pm.