

I. Call to Order

The Chair called the meeting to order at 6:30 pm. This meeting was held in person.

II. Roll Call & Determination of Quorum

The Secretary called the roll and determined a quorum of Board members present.

Members Present:

Chair Kim Salerno

Co-Chair Jeff Brooks

Secretary Melissa Pattavina

Kevin Michaud

John Oliveira

Richard Haggis

Anand Toprani

Members Absent:

Paul Marshall

Theresa Stokes

Staff Present:

Patricia Reynolds, Director of Planning and Economic Development

III. Business

A. Findings and Recommendation to the City Council regarding CRMC Public Notice(s)

1. CRMC File Number 2021-05-075
80 Washington Street, AP 12, AL 73

Director Reynolds gave an overview of the travel of this application and related CRMC notice process. This review is advisory to the Council. The Chair read the March 2021 Planning Board Decision Memorandum regarding this proposal to reaffirm the Planning Board's findings and determination. Since there were no proposed changes to the proposal, a motion was by Co Chair Brooks and seconded by Mr. Haggis to again forward the March 2021 Decision Memorandum to the City Council. All voted in favor. This decision letter supports that a public meeting be held by the CRMC on this application.

2. CRMC File Number 2021-05-081
24 Lee's Wharf, AP 32, AL 314

Director Reynolds gave an overview of the travel of this application and related CRMC notice process. This review is advisory to the Council. The Chair read the September 2020 Planning Board Decision Memorandum regarding this proposal to reaffirm the Planning Board's findings and determination. This proposal completed the Development Plan Review process and was found to be consistent with the City's Comprehensive Plan. Since there were no changes to the proposal, a motion was made by Co-chair Brooks and seconded by Mr. Michaud, to forward the September 2020 Decision Memorandum to the City Council. All voted in favor. The Planning Board recommends the council submit no objection to this CRMC application.

B. Major Subdivision, Public Hearing combined Preliminary and Final Approval:

1. Petition of Island Moving Company applicant, and City of Newport, property owner, regarding subdivision of property located at 435 Broadway, Assessor's Plat 6 Lot 11, into five (5) lots, one 41,939 sf lot for a school of limited instruction and four (4) residential lots ranging from 9,000 square feet to 10,000 square feet in size.

On a motion by Ms. Pattavina, seconded by Mr. Oliveira, this application was continued to the September 13, 2021 regularly scheduled meeting of the Planning Board in response to the applicant's request. All voted in favor.

C. Finding of Consistency with the Comprehensive Plan:

1. Petition of Brandon Pico, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to rent the second dwelling unit as a "guest house" and provide only 3 off-street parking space which require the use of the right of way to maneuver, (use of right of way not allowed), applying to the property located at 52 Marchant St., TAP 39, Lot 400, (R-10 zone).

Director Reynolds gave an overview of the application. Brandon Pico, the applicant and owner, is requesting to convert the second dwelling unit (#52) in an existing two-family dwelling, to a 2bedroom guesthouse. This requires a special use permit and dimensional variance from the Zoning Board of Review. Prior to their review of this application, the Zoning Board has requested an opinion from the Planning Board on the proposal's consistency with the Comprehensive Plan. The existing lot is a nonconforming 4,345 sf lot. On May 6, 2019, a similar petition was reviewed by the Planning Board. At that time, the applicant, Brandon Pico, applied to convert the use of both units at 50/52 Marchant, an existing 2 family dwelling, to guest house, with adjacent owner occupancy at 31 Stockholm Street. The applicant now resides at 50 Marchant and is asking to convert only the unit at 52 Marchant to a 2 bedroom guest house. In review of the original petition, the Board analyzed the following goals LU-1, ED-1, H-1, H-2, H-3 and Policy LU-1.7.

The project attorney, Christopher McNally was present for the Petition. He clarified the Board's questions stating that the application, which was originally heard by the board in 2019, has been modified and resubmitted. When the 2019 application was filed, the applicant did not reside on the premises. He has now moved into the building and is refiling the application as an owner occupant. Mr. Pico answered the chair's questions about the number of rooms that would be used for the guest house use and how this differed from the 2019 application. Mr. Brooks asked the applicant if he still owned the abutting property, he answered that he did not.

The Chair opened public comment. Bonnie Watson spoke in favor of the application, supporting guest house use as a viable way for young people to financially maintain their dwellings. With no other requests to speak, the Chair closed the public comment. The project attorney asked to submit several letters in support of the application. The chair agreed to accept the letters as Exhibit A, but stated that record will reflect that the Board did not have the opportunity to review this material.

Finding that this proposal is a reduction in intensity of a previously approved application, a motion was made by Mr. Michaud and seconded by Mr. Brooks, to adopt the findings from the Board's Decision Memorandum of May 6, 2019. All voted in favor.

A motion was made by Ms. Pattavina, and seconded by Mr. Brooks, to find the Petition of Brandon Pico, applicant and owner, for a special use permit and variance to the dimensional requirements, to rent the dwelling unit at 52 Marchant as a guest house, providing only 3 off-street parking spaces which require the use of the right of way to

maneuver, consistent with the goals and policies as analyzed in the May 2019 Decision Memorandum. All voted in favor, with the condition that the Special Use Permit expire after two (2) years. A motion was made by Ms. Pattavina, and seconded by Mr. Brooks to forward a positive opinion to the Zoning Board of Review. All voted in favor.

2. Petition of Randi Wallace applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to convert the existing second floor of the detached garage from sleeping quarters into a guest house use applying to the property located at 22 Johnson Ct., TAP 13, Lot 51, (R-10 zone).

Director Reynolds gave an overview of the application. In August of 2019, the applicant, Randi Wallace, applied for a certification of guesthouse for this property through the city clerk's office. The application was for 2 rooms, one in the dwelling and one in the detached garage. In September of 2019 the Applicant was informed by the City that this proposal required ZBR approval. Ms. Wallace applied to the ZBR, but withdrew the application before a decision was rendered.

In July of 2021, a new application for a Special Use Permit was filed with the ZBR for the existing sleeping quarters above the detached garage to be used as a guest house for no more than 2 people. The new application differs from the original application in that it is for only one room, not two and this one room is located above the garage not within the dwelling. (A property owner can rent up to 2 rooms for no more than 4 guests in the dwelling by right, as long as the dwelling unit is also the principal residence of the owner. This is considered a home occupation in the R10 zone.)

The Planning Department recommended the Board consider the impacts of intensification of a structure that was originally constructed as an accessory use, and subsequently approved for conversion to sleeping quarters with restrictions from the Zoning Board of Review, which the applicant is now seeking to convert to a guest house use.

The following Goals and Policies were presented for the Board's consideration.

Goal LU-1 – To provide a balanced city consisting of residential, commercial and employment uses consistent with the character, environmental resources and vision of the community.

Policy LU-1.7 – The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

Goal ED-1 – To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.

Goal H-1 – To preserve and protect existing housing resources in the community.

Goal H-3 – To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.

Mr. Oliveira read two letters of objection into the record., both from residents within the 200' radius. These were accepted into the record as Exhibit A and B.

The owner/applicant, Randi Wallace, presented the application. In response to Board questions, Ms. Wallace stated that this is a single-family dwelling, that she is a year-round resident and currently rents a room in the main dwelling and she would prefer to rent the space above the garage. She stated that the existing home occupation is registered with the city clerk, as required.

No one was present to comment on the application.

On a motion by co-chair Brooks, seconded by Ms. Pattavina, the Board voted unanimously to adopt the staff's findings and recommendation.

A motion to find the Petition of Randi Wallace, applicant and owner, for a Special Use Permit to convert the existing second floor of the detached garage from sleeping quarters into a guest house use, consistent with Comprehensive Plan was made by Mr. Brooks and seconded by Ms. Pattavina.

Co-chair Brooks proposed to amend the motion to stipulate that only one guest house use be allowed on the lot, with no allowance for a related home occupation in the dwelling, citing Section 17.100.130 I-1, of the City's Zoning Ordinance. The amendment was seconded by Ms. Pattavina. After extensive discussion, the amendment failed to be approved, with Chair Salerno, Mr. Michaud, Mr. Oliveira, Mr. Toprani voting in opposition, and Co-chair Brooks, Ms. Pattavina, and Mr. Haggis voting in favor. The motion failed, 4 to 3.

After analyzing Goal LU-1, Policy LU-1.7, Goal ED-1, Goal H-1 and Goal H-3, the Board found this proposal an intensification of use in a densely development neighborhood, the existing character of the neighborhood is not protected, and this use no longer provides economic diversification. Chair Salerno, Co-Chair Brooks, Ms. Pattavina, Mr. Haggis, Mr. Michaud, Mr. Oliveira voted in opposition, Mr. Toprani voted in favor. The motion failed, 6 to 1.

A motion to forward a positive opinion to the Zoning Board of Review was made by Ms. Pattavina and seconded by Mr. Brooks. Chair Salerno, Co-Chair Brooks, Ms. Pattavina, Mr. Haggis Mr. Michaud, Mr. Oliveira all voted in opposition, Mr. Toprani voted in favor. The motion failed, 6 to 1.

There were no reports presented.

IV. Adjournment

The Board voted unanimously to adjourn the meeting at 7:50 pm.