



THE CITY OF NEWPORT, RHODE ISLAND

Planning Board

Demolition Approval Decision

Grantor: City of Newport Planning Board, 43 Broadway, Newport, RI 02840

Grantee: Edward McPherson, Island Moving Company, PO Box 746, Newport, RI 02840

Subject Property: 435 Broadway, Newport, RI 02840, Assessors Plat 6 Lot 11

At a meeting on June 3, 2019, the Planning Board heard a petition for an application for Planning Board Approval of a demolition pursuant to Chapter 17.86 of the City of Newport Code of Ordinances. The application concerns the two former school structures at 435 Broadway, Assessors Plat 6 Lot 11, the principal structures on the site.

Documents submitted in regard to the subject petition:

- Completed Application, accepted by the Department of Planning, Zoning, and Inspections
- Affidavit of Abutter Notice with exhibits, completed by Attorney Hannah Pfeiffer, representative of the applicant
- Staff Report from the City Planner with exhibits, as amended during the June 3, 2019 Planning Board meeting
- Exhibits presented by Turner Scott, representative of the applicant, during the meeting:
 1. historic atlases dated 1876, 1893, 1895, 1907, and 1921
 2. neighborhood presentation dated March 14, 2019
 3. historic photograph
 4. contractor letter

The application was presented by Attorney Turner Scott, representative of the applicant. No objections were noted. Mr. Scott represented that the structure closer to Broadway had been substantially altered over the course of its existence and was not of historic value. The property is not on a historic register. The structures have been unused for several years and have extensive water damage. They do not meet the needs of the applicant and are not good candidates for rehabilitation. Exhibits were presented: (1) historic atlases dated 1876, 1893, 1895, 1907, and 1921, (2) neighborhood presentation dated March 14, 2019, (3) historic photograph, and (4) contractor letter. The Planning Board conducted a public hearing and heard testimony from the following lay people:

- Matt Landman, 5 Anthony Ave. Bristol, contractor for the applicant, expressing that the structures were not candidates for rehabilitation
- Christopher Charboneau, tenant at 441 Broadway (within the notice area), desiring rehabilitation of the structures
- Lilian Hargrove, 42 Almy St. (within the notice area), expressing a desire to save the cross on the rear structure
- Jan Mermin, 16 Princeton St. (within the notice area)

After the closure of the public hearing, discussion ensued. Jeff Brooks expressed his excitement that new construction would be done to Leadership in Energy and Environmental Design (LEED) Standards, and felt this helped to meet Comprehensive Plan Goal EN-1 and Policy EN-1.2.

Planning Board

Upon a motion by Melissa Pattavina, seconded by Liam Barry, the Board voted unanimously to adopt the application and staff report as findings of fact.

Findings:

1. The demolition is not detrimental to the public health, safety, and welfare. While it appears as though the former school administration building was once an estate home, the property was changed often in the twentieth century to accommodate institutional use. The site is gently sloped with structures setback from property lines, presenting no real technical challenges to demolition. Hazardous materials are required to be abated prior to demolition and airborne particles are required to be controlled during the demolition process (17.86.070.D). The condition of the structures has deteriorated due to water damage, presenting a challenge for reuse and do not meet the programmatic needs of the applicant. The structures have deteriorated to a point where they are becoming blight. Action in some form or another is necessary.
2. The proposed demolition of the structure is consistent with the goals and policies of the Comprehensive Land Use Plan. Island Moving Company is a cultural and educational institution within Newport. The *Comprehensive Plan* identifies Island Moving Company in its list of Cultural Organizations and Agencies (p. 10-10). The project is specifically consistent with Comprehensive Plan Goals LU-1, and HC-1 and Policy HC-1.10. The City is working in tandem to advance a cultural resource.
3. The proposed demolition does not create land with constraints to development. The site is slightly sloped and the structures are set back from the property lines. The applicant has submitted an application for a major subdivision. The relief from the zoning ordinance the applicant is seeking to complete the subdivision is minimal. The applicant has presented preliminarily to the Technical Review Committee for Development Plan Review and received minor comments. The applicant has completed an Environmental Site Assessment and Asbestos Containing Materials Evaluation. The Environmental Site Assessment recommends the aboveground storage tanks be properly closed. An underground storage tank previously existed at the site, but was removed according to RIDEM regulations. The demolition permit issued by the Building Official will require hazardous material abatement prior to demolition.
4. The proposed demolition does no harm to the character of the immediate neighborhood or area of the city. The project is within the off-Broadway neighborhood. The area is from Bliss Ave to Saint Peter's Lutheran Church and Malbone Rd to Cottrell Field. This area is defined as largely residential centered on an urban arterial, with some institutional uses and intermittent commercial activity. The development enabled by the demolition will be an improvement over the shuttered school facilities.

Upon a motion by John Oliveira, seconded by Mr. Brooks, the Board voted 5-1 to approve the demolition, subject to the following conditions:

1. The utmost protection shall be made for the surrounding neighborhood during the demolition.
2. The cross shall be carefully removed and returned to the Church of Jesus Saviour.
3. The demolition shall not be undertaken until the applicant has received the zoning approval for construction and Preliminary Approval for the subdivision.
4. Wattles shall be utilized instead of silt fencing to protect the limits of disturbance.

So ordered: 
Kim Salerno, Newport Planning Board Chair

Date:  June 19, 2019

LAURA C SWISTAK
CITY OF NEWPORT
CITY CLERK
Jun 19, 2019 03:44P
BOOK: 2814 PAGE: 234