

Meeting Minutes Newport Planning Board

Monday, December 6, 2021

City Council Chambers

A stenographer was present at this meeting.

I. Call to Order

The Chair called the meeting to order at 6:30 pm.

I. Roll Call & Determination of Quorum

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

Members Present:

Chair Jeff Brooks

Secretary Melissa Pattavina

Paul Marshall

Kevin Michaud

John Oliveira

Justin Smith

Teresa Stokes

Anand Toprani

Members Absent:

There were no members absent.

The Chair welcomed new Board member, Justin Smith.

Staff Present:

Patricia Reynolds, Director of Planning and Economic Development

Stenographer

II. Review, Discussion, and/or Action of Minutes of Preceding Meetings

A. September 13, 2021

B. November 1, 2022

The minutes of both meeting were approved 7-0, with Mr. Smith abstaining.

III. Communications

There were no communications presented.

IV. Business

A motion was made and approved to change the order of Business, to move letter C to the second item for consideration. All voted in favor, none opposed.

A. Development Plan Review, and providing an opinion of finding of conformity with the Comprehensive Plan to the Zoning Board of Review.

Petition of applicant Martin Luther King Jr Community Center, for a use variance for changes to an existing, non-conforming use, applying to the property located at 20-28 Dr. Marcus Wheatland Boulevard, TAP 17, Lot 302, and zoned Residential, R10.

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The applicant is seeking to add a new front porch, an addition for the food pantry, an expanded loading area and cooler, and a second story office addition. The use currently exists via a use variance. This proposal requires reauthorization of the use variance from the Zoning Board of Review.

Jay Lynch, project attorney was present to represent the applicant. Also present were the project architect, Dan Herk and project engineer.

Attorney Lynch reviewed the scope of the project and explained need for the proposed additions. There were no questions from the Board.

No members of the public were present to comment. No written communications were submitted.

A motion was made and seconded to adopt the findings as presented in the staff report. All voted in favor, none opposed.

A motion was made forward a recommendation to the Zoning Board of Review to approve the Development Plan review with the TRC's recommended condition. All voted in favor, none opposed.

Regarding the use variance, a motion was made to forward a favorable opinion to the Zoning Board of Review regarding the project's consistency with the goals and policies of the Comprehensive Plan as amended. All voted in favor, none opposed. The Board expressed support of this project.

C. Minor Subdivision, Preliminary Plan Review.

Review of a proposed minor subdivision to subdivide one 53,632sf lot with an existing two- family dwelling and accessory uses, to create three lots, one 27,256 sf to provide for the existing dwelling, and two lots (13,255sf+/- and 13,114sf +/-) for future residential development, applying to the property located at 15-17 Sylvan Street, TAP 33, Lot 36, located in an R-10 zone.

The Applicant is requesting Preliminary Approval of a Minor Subdivision to subdivide a 53,632+/- sf lot with an existing two-family dwelling, constructed circa 1870, to create three lots, one 27,256 sf lot to provide for the existing building (to be converted to single family) and selected outbuildings, and two lots of 13,255sf and 13,114sf for future residential development.

Adam Thayer, project attorney was present to represent the applicant. Also present were the project land surveyor, Neal Hingorany, PLS and the property owner, Peter Kavanaugh.

Attorney Thayer reviewed the scope of the project. A copy of the Tree Evaluation Report was accepted as Exhibit 1.

No members of the public were present to comment. No written communications were submitted.

The findings as presented in the staff report were amended to include Comprehensive Plan Goal H-1 and Policy H - 1.3. The conditions of approval were amended to change the language of condition 1 as presented to include preserving existing trees on all proposed lots, 1, 2 and 3, subject to review by the Superintendent of Parks, to eliminate the first sentence of proposed condition 4, and to provide for Final Approval through the Administrative Officer.

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Based on the findings of fact as amended, on a motion by Mr. Michaud, and seconded by Ms. Pattavina, the Board voted unanimously to grant Preliminary Approval with Final Approve to be through the Administrative Officer, with the conditions of approval as amended.

B. Major Land Development Project/Subdivision, Master Plan Review

Petition of Waste Management of Rhode Island, applicant and owner, a public informational meeting for the Master Plan stage of a Major Land Development/Subdivision, with a waiver from the NEUP Design Standards, to construct a new maintenance/office building and necessary related site improvements, applying to the property located at 65 Halsey, TAP 07, Lots 003 and 367 and TAP 09, Lot 2. This proposal is necessitated by the changes made to the parcel by the State of Rhode Island Department of Transportation as part of the Pell Bridge Ramp Realignment project. (Maker-Tech subdistrict, Innovation Hub zone).

The purpose of the Public Informational Meeting is to consider a Major Land Development Project/Subdivision for Master Plan approval, with a waiver from the North End Urban Plan Design Guidelines, Section 17.65.40.C.d for less than required parking area interior landscaping. As part of the proposal, the applicant is proposing to subdivide three (3) existing lots, to create three (3) reconfigured lots, one parcel to provide for the existing use, municipal and public service corporation facility; with no new development proposed on the remaining (2) two parcels.

The Applicant is requesting to construct a replacement maintenance/office building, a weigh scale attendant building, a fueling station, retaining walls, a residential drop off area, utilities and associated modified grading and site improvements.

Peter J. Richer, Waste Management, Area Environmental Engineer, Mike Kunce, Waste Management, Construction Project Manager, Brian Kortz, Fuss and O'Neill, and project engineer Christina Viera, PE were present to represent the application. Mr. Mark Healy was present as project attorney.

Mr. Richer began with the review of the project. Ms. Viera was introduced and reviewed the site lay out and engineering details.

The Board asked questions about interior circulation, plans to ultimately relocate the facility, the easement for the mixed-use path, exploring energy generation on the site, and the proposed signage on the newly constructed ramp access. The Board agreed that direction signage would be appropriate at this location and that any new signage shall be approved by the Board.

There were 2 members of the public present to comment. Mr. David Horowitz of 55 Garfield Street with questions about screening, construction and stormwater impacts. The project engineer responded that erosion control measures would be in place during construction and that with the project there is a reduction in runoff. The stormwater plan will be reviewed by the Department of Utilities and RIDEM.

The staff report was presented. An amendment to include Comprehensive Plan Goal LU-3 and Policy LU-3.4 in the consistency finding was unanimously approved. An amendment to include a condition of approval regarding energy generation and reduction on the site with a goal of reaching net zero was unanimously approved. An amended requiring Board approval for any signing installed on the Pell Bridge ramp was unanimously approved.

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Findings and Recommendation to the City Council regarding Zoning Ordinance Amendments:

Petition of City of Newport to amend the zoning ordinance to extend the date for the prohibiting of retail marijuana in the CI, GB, LB, and WB zones.

A motion was made to forward a favorable recommendation to the City Council to extend the date of the prohibition. The Board expressed concern with extending this prohibition, and generally agreed that no further extensions would be supported.

Annual election of 2022 Officers

On a unanimous vote, Jeff Brooks was elected as Chair.

On a unanimous vote, Melissa Pattavina was elected as Vice-Chair.

On a unanimous vote, Kevin Michaud was elected as Secretary.

The 2022 regular meeting schedule was approved as submitted.

V. Presentation and Discussion of Reports.

Updates on the following were given.

A. Staff Report

1. Technical Review Committee Report for the November 10, 2021 meeting
Preliminary Development Plan Review, Colbea Enterprises
Preliminary Development Plan Review, Waites Wharf
Approved revision to previously approved plan, Perry Mill Marina

VI. Adjournment

The Board voted unanimously to adjourn the meeting at 10:00 pm.