



Sayer Regan & Thayer, LLP

ATTORNEYS AND COUNSELLORS AT LAW



October 5, 2020

Peter Friedrichs, AICP
City Planner
City of Newport
43 Broadway
Newport, RI 02840

Re: *Demolition Application for 13 Clinton Street, Newport, RI
Plat 39 Lot 264*

Dear Peter:

Please find enclosed the following for filing for the November 2, 2020 Planning Board Meeting:

1. Principal Structure Demolition Approval Application with Attachment;
2. Demolition Plan;
3. Report from Structure Engineer;
4. Notice to Abutters;
5. List of Abutters;
6. Affidavit of Notice;
7. Photographs of existing structure; and
8. Check for \$100 made payable to City of Newport

Please let me know if you have any questions or if you need anything further.

Sincerely,


Peter Brent Regan

PBR/ar
Enclosures

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



Application Fee: \$ 100.00

Principal Structure(s) Demolition Approval Application

Instructions

Demolition Approval from the Planning Board is required by Chapter 17.86 of the City of Newport Code of Ordinances for structures associated with the principal use of a property outside of a local historic district. The applicant shall submit one digital copy of all required documents, as set forth in Section 17.86.040. The Planning Board's review is to ensure that the proposed demolition is not detrimental to the public health, safety, and general welfare, is consistent with the City's Comprehensive Plan, does not create land with constraints to development, and does not harm the character of the immediate neighborhood or area of the city. The Planning Board will review the design of any new structures planned as a result of the demolition. The Applicant should provide a statement of the reasons for the demolition. It is strongly suggested that all applications request informal preliminary review with the Director of Planning and Economic Development prior to submittal of an application and the commencement of serious design work by consultants.

Any application that lacks sufficient photographic documentation of the structure, a statement describing the reasons for the demolition and the information and documents required by Section 17.86.040 will not be processed. All applications will be reviewed by the Technical Review Committee and the property will be subject to inspection by City officials during application review. Once a hearing date has been provided by the Department of Planning and Economic Development, the applicant is responsible for distributing the required abutter notice outlined in Subsection 17.86.060A.

Basic Information

Subject Property Address on file with City Engineer

13 Clinton Street

Street

Tax Assessor's Plat and Lot

39, 264

Plat Lot

Property Owner's Contact Information

Kyle and Melisa Spitzer

Name

kyle100@cox.net

Email

223 Westmoreland Lane, Saunterstown, RI 02874

Mailing Address

401-996-5512

Phone

Applicant's Contact Information (only complete if different)

c/o Peter Brent Regan, Esq.

Name

pregan@srt-law.com

Email

130 Bellevue Avenue, Newport, RI 02840

Mailing Address

401-849-3040

Phone

See Attached

The City has a goal of 35% solid waste diversion. Please list the percent of debris from the property that will be reused or recycled.

Property owner's signature authorizing submission of this application and certifying under possible penalty of perjury under the laws of this jurisdiction that the preceding information is true and correct.


Signature of Property Owner

Please provide contact information for any attorneys and/or design consultants retained. For properties with multiple owners, complete one form for each owner. For demolitions on multiple properties, complete one form for each property.

ATTACHMENT TO DEMOLITION APPLICATION

The percentage of debris from the property that will be reused or recycled cannot be determined in advance. However, because the existing home was the site of a fire in September, 2019, it is assumed that any material impacted by the fire will not be reusable. Concrete will be recycled as road base material at a local facility with crushing capability. Metals, plastic and wood will be delivered to a waste management facility, to be sorted and picked by machine, magnets or laborers to separate and recycle any reusable material.



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info@cameraoneill.com • www.cameraoneill.com

Kyle and Melisa Spitzer
223 Westmoreland Lane
Saunderstown, RI 02874
KSpitzer@its.jnj.com
401-996-5512

August 20, 2020

Project:

Existing structural conditions for existing home located at 13 Clinton Street Newport, RI

Dear Mr. and Mrs. Spitzer:

At your request, I am writing this letter to lend my opinion on the existing structure's suitability to remain in service given the proposed future renovations and the reported fire damage sustained in a fire that occurred approximately 1 year ago. It is my understanding that you have the desire to fully renovate this home to suit the needs of your immediate and extended families for years to come. Furthermore, you would like to bring the entire home up to current building codes which include structural (gravity and lateral windforce resisting systems), electrical, plumbing, HVAC, life safety, energy, and FEMA requirements for floor resistant construction.

The structure in question is a modest sized wood-framed, single family home that appears to have been built in the late 1800's. Walking around the perimeter of the home, I was able to observe the foundation to be comprised of stone masonry in fair shape. The front porch framing appeared to be in general dis-repair. I was not able to observe the framing under the front porch at the time of my visit. The exterior rear deck, railings, and stairs were modestly constructed and were in significant dis-repair. In my opinion, the rear deck was un-safe at the time of my visit. The exterior siding, trim, and roofing materials appeared to be adversely affected by the recent fire. The exterior windows and doors were mostly broken and boarded up at the time of my visit. To properly repair the fire damage and long-term damage due to deferred maintenance, all of the exterior finished would most likely need to be removed and replaced. This includes the roof, siding, trim, some or all of the exterior sheathing, windows, and doors.

I was able to access the basement through a small, exterior bulkhead. I was able to observe the inside face of the stone masonry foundation walls around the perimeter of the home. The stone masonry was in fair condition and showed signs of water ingress and deteriorating mortar joints. The wood framed first floor joists and beams were modestly constructed and exhibited significant sagging and wood decay in various locations. The support columns were significantly deteriorated and/or corroded. In general, the condition of the framing and foundations as viewed from the basement was fair to poor. It is important to note that FEMA prohibits the existence of basements in code compliant structures when located in mapped AE zones. If you desire to comply with current codes and regulations, the basement will need to be removed and a flood resistant foundation would need to be constructed in a manner that considers flood vents and lateral windforce resisting systems. Since it is your desire to have reasonably flat floors that have a tolerable level of floor stiffness, you would need to re-frame or modify the entire first floor framing system (including the beams and columns in the basement). Although a survey was not available to me at the time of my visit, I suspect the house would need to be lifted in order for the first floor elevation to be at an acceptable elevation to meet FEMA requirements for the appropriate floor zone.

Once inside the first and second floors of the home, I was able to observe clear evidence of a fire. Every surface of every wall showed evidence of smoke damage. There was clear evidence of significant fire damage to 2nd floor joists, attic joists, and roof framing members. There was clear evidence of smoke and water damage throughout the home. In my opinion, the entire house would need to be completely "gutted" of all finishes (including flooring and utilities) to properly remediate the damage. Furthermore, areas of the 2nd floor, attic, and roof should be deemed "un-safe" until the structure is properly shored.

Based on your desire to make this home a safe, long-lasting family home with updated utilities, open floorplan, code compliant stairs, flat, stiff floors, and code-compliant structure including lateral windforce resisting



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Consulting Engineers

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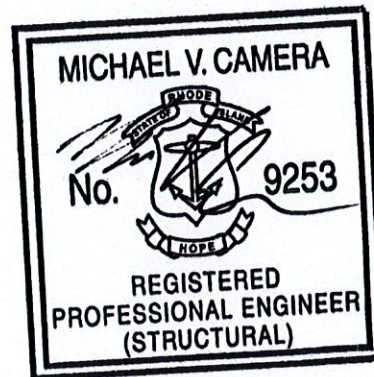
system and FEMA compliance, significant structural upgrades and modifications would be required. To achieve such sweeping changes to the floor systems, much of the ceiling/floor framing will need to be modified and/or replaced. To achieve the desired upgrades to the windforce resisting system, the exterior building sheathing will need to be significantly modified and/or replaced. In addition, anchoring the home to the existing, stone foundation walls would be un-realistic.

In my opinion, keeping the existing structural framing, given the proposed renovations would be impractical. I would recommend razing the existing house and its foundation and replacing it with a modern, code-compliant structure.

Please feel free to contact me should you need any further clarification.

Sincerely,

Michael V. Camera P.E.
Camera – O'Neill Consulting Engineers, Inc.





Camera/O'Neill
Consulting Engineers

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Photo of front of house (boarded up and broken windows/doors)



Melted siding, fire damage through upper eaves, boarded up windows/doors



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Photo of ill-maintained/leaning front porch



Photo of failing rear deck, railings, stairs



Interior smoke / fire / heat damage in first floor



Interior smoke / fire / heat damage in first floor hallway
Note tight steep main stairwell



Interior smoke / fire / heat damage in first floor



Interior smoke / fire / heat damage in first floor
Note fire damaged 2nd floor joists

EXHIBIT A

NOTICE

DATE OF MAILING: October 7, 2020

The Newport Planning Board will consider the Demolition Permit Application made by Kyle and Melisa Spitzer Applicants and owners, for the property located at 13 Clinton Street, Plat 39, Lot 264, on **Monday, December 7, 2020** at 6:30 pm.

THE MEETING WILL BE HELD REMOTELY IN COMPLIANCE WITH GOVERNOR RAIMONDO'S EXECUTIVE ORDER 20-25-1.

Video participation is available at

<https://zoom.us/j/95952818738?pwd=VnlyWTJJam83Qkc0YkhpdmNNQ1dldz09>

Telephone participation is available toll free by dialing 1-888-788-0099 or 1-877-853-5247

Meeting ID: 959 5281 8738 Password: 1639

Dial *9 and wait to be recognized by the Chair if you wish to say something during the meeting and do not have the Zoom application

Please email pfriedrichs@cityofnewport.com or call (401)845-5472 with any issues participating in the meeting

The proposed demolition will remove the existing single-family home on the property, which the Applicant plans to replace with a new single-family home at a later date.

A copy of the Demolition Permit Application is enclosed and is also available at Newport City Hall, Department of Planning, Zoning, Development and Inspection.

Contact person:
Peter Friedrichs, AICP
City Planner
City of Newport
43 Broadway
Newport, RI 02840
pfriedrichs@cityofnewport.com
o (401)845-5472
f (401)846-1824

THIS NOTICE SUPERSEDES THE NOTICE MAILED ON OCTOBER 5, 2020

Exhibit B

NAME AND MAILING ADDRESS	PLAT	LOT
Peter and Mary Dunning 15 Houston Ave. Newport, RI 02840	39	12
M1A4JAH, LLC 27 Houston Ave. Newport, RI 02840	39	13
Patrick and Kathleen Hennessey 26 Bowstring Way Marlborough, MA 01752	39	14
Daniel & Courtney Zotto 35 Houston Ave. Newport, RI 02840	39	15
Maria Portella et al 49 Lee Ave. Newport, RI 02840	39	15-4
Dawn C. Pigott 16 Houston Ave. Newport, RI 02840	39	30
Stephen & Cheryl Provazza 284 President Ave. Providence, RI 02906	39	33
City of Newport 42 Broadway Newport, RI 02840	39	34-4
Richard & Margaret Ratcliffe 0 Houston Ave. Newport, RI 02840	39	111
Joseph & Tara Lussier 3 Clinton Street Newport, RI 02840	39	112
Heather Ketcham 28 Houston Ave. Newport, RI 02840	39	115

Exhibit B

NAME AND MAILING ADDRESS	PLAT	LOT
Michelle Donovan 18 Houston Ave. Newport, RI 02840	39	116
Charles & Katherine Brandeis 24 Houston Ave. Newport, RI 02840	39	117
Helen Vaughan 9 Clinton Ave. Newport, RI 02840	39	119
Edward Schene 5 Clinton Street Newport, RI 02840	39	121
Jeffrey Shaker Gary Shaker 3 Carrie Hood Lane Somerset, MA 02726	39	265
Isobel Barron Hall Lavinio Trust 15 Clinton Street Newport, RI 02840	39	266
Thomas Lloyd Brace William Frederick Shaw 567 Tremont Street Unit 30 Boston, MA 02118	39	268
32 Houston Ave, LLC 640 Main Street Westbury, NY 11590	39	303
Aldrich Houston LLC PO Box 261 West Stockbridge, MA 01266	39	304
Lawrence & Bernadette Gotch LC Property Management 8 Hargraves Drive Portsmouth, RI 02871	39	305

Exhibit B

NAME AND MAILING ADDRESS	PLAT	LOT
Welford Champion Life Estate 19 Clinton Street Newport, RI 02840	39	307
Benjamin Hinkley, III 46 Houston Ave. Newport, RI 02840	39	311
Bridget A. Butlin 7 Clinton Street Newport, RI 02840	39	316
MB8 Holdings, LLC 7 Maidford River Rd. Middletown, RI 02842	39	325
Allan Maurice Prior Revocable Trust 2016 93 Wellington Ave. Newport, RI 02840	39	401

Plat/Lot	Site Address	Owner Name	Owner Ad
39-012	15-17 HOUSTON AVE	DUNNING PETER J JR & MARY	15 HOUST
39-013	27 HOUSTON AVE	MA4JAH LLC	27 HOUST
39-014	31 HOUSTON AVE	HENNESSEY PATRICK J & KATHLEEN	26 BOWS
39-015	35 HOUSTON AVE	ZOTTO DANIEL MICHAEL & ZOTTO COURTNEY	35 HOUST
39-015-4	39 HOUSTON AVE	PORTELLA MARIA ET ALS	49 LEE A\
39-016	45 HOUSTON AVE	ALESSANDRA AND KURT DOLNIER TRUSTEES	45 HOUST
39-030	16 HOUSTON AVE	PIGOTT DAWN C	16 HOUST
39-033	97-99 WELLINGTON AVI	PROVAZZA STEPHEN & CHERYL	284 PRES
39-034-4	0 MARCHANT ST	NEWPORT CITY OF	CITY HAL
39-111	20 HOUSTON AVE	RATCLIFFE J RICHARD & MARGARET	0 HOUST
39-112	3 CLINTON ST	LUSSIER JOSEPH P & TARA C	3 CLINTC
39-115	28 HOUSTON AVE	KETCHAM HEATHER L	28 HOUS
39-116	18 HOUSTON AVE	DONOVAN MICHELLE G	18 HOUS
39-117	24 HOUSTON AVE	BRANDEIS CHARLES D & KATHERINE L	24 HOUS
39-119	9 CLINTON ST	VAUGHAN HELENS	9 CLINTC
39-121	5 CLINTON ST	SCHENE EDWARD A	5 CLINTC
39-265	17 CLINTON ST	SHAKER JEFFREY A & GARY SHAKER	3 CARRIE
39-266	15 CLINTON ST	LAVINIO ISOBEL BARRON HALL TR	15 CLINT
39-268	21 CLINTON ST	BRACE THOMAS LLOYD AND WILLIAM SHAW	567 TREI
39-303	32 HOUSTON AVE	32 HOUSTON AVE LLC	640 MAIN
39-304	52 HOUSTON AVE	ALDRICH HOUSTON LLC	PO BOX
39-305	50 HOUSTON AVE	GOTCH LAWRENCE E & BERNADETTE	LC PROF
39-307	19 CLINTON ST	CHAMPION WELFORD THERESE LIFE ESTATE	19 CLINT
39-311	46 HOUSTON AVE	HINCKLEY BENJAMIN III	46 HOUS
39-316	7 CLINTON ST	BUTLIN BRIDGET A	7 CLINTC
39-325	10 HOUSTON AVE	MB8 HOLDINGS LLC	7 MAIDF
39-401	93 WELLINGTON AVE	ALLAN MAURICE PRIOR REVOCABLE TRUST 2016	93 WELL

STATE OF RHODE ISLAND
CITY OF NEWPORT

PLANNING BOARD

IN RE: Petition of Kyle and Melisa Spitzer Applicant and Owner
13 Clinton Street, Plat 39 Lot 264

AFFIDAVIT OF NOTICE

The undersigned does hereby depose and say as follows:

1. On October 7, 2020, Notice (see "Exhibit A") was sent to those property owners within 200 feet of the perimeter of Lot 264 on Newport Tax Assessor's Plat 39;
2. The above referenced Notice was sent via first class mail, postage prepaid;
3. A complete list of property owners to whom the Notice was mailed is attached as "Exhibit B" and hereby incorporated by reference;
4. A copy of said Notice is attached as "Exhibit A" and hereby incorporated by reference.


Kyle and Melisa Spitzer,
By Their Attorneys,

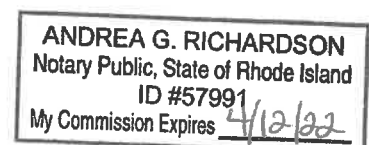


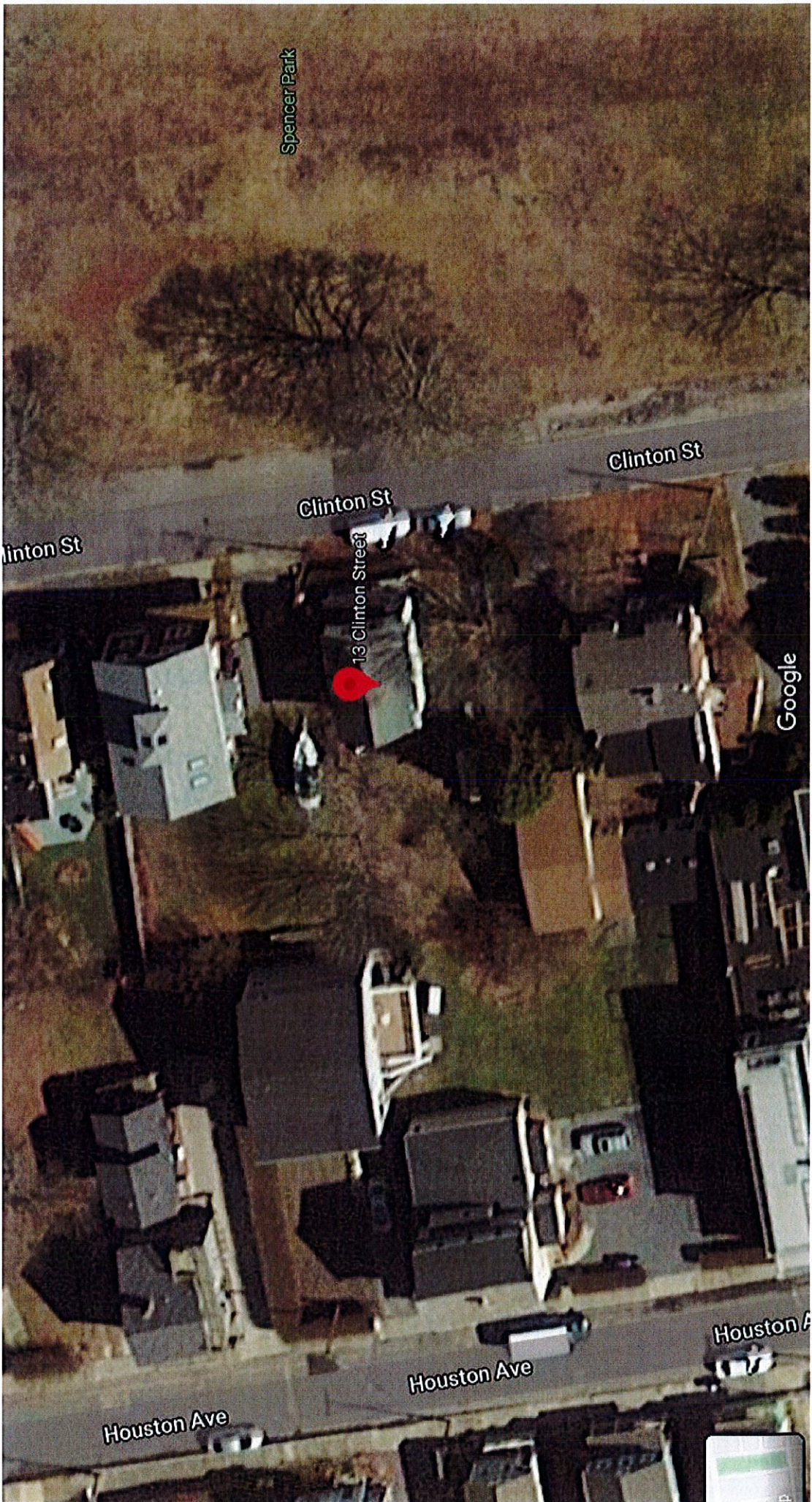
Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

Subscribed and sworn to before me on this 7th day of October, 2020.


Notary Public:





Spencer Park

Clinton St

Clinton St

Clinton St

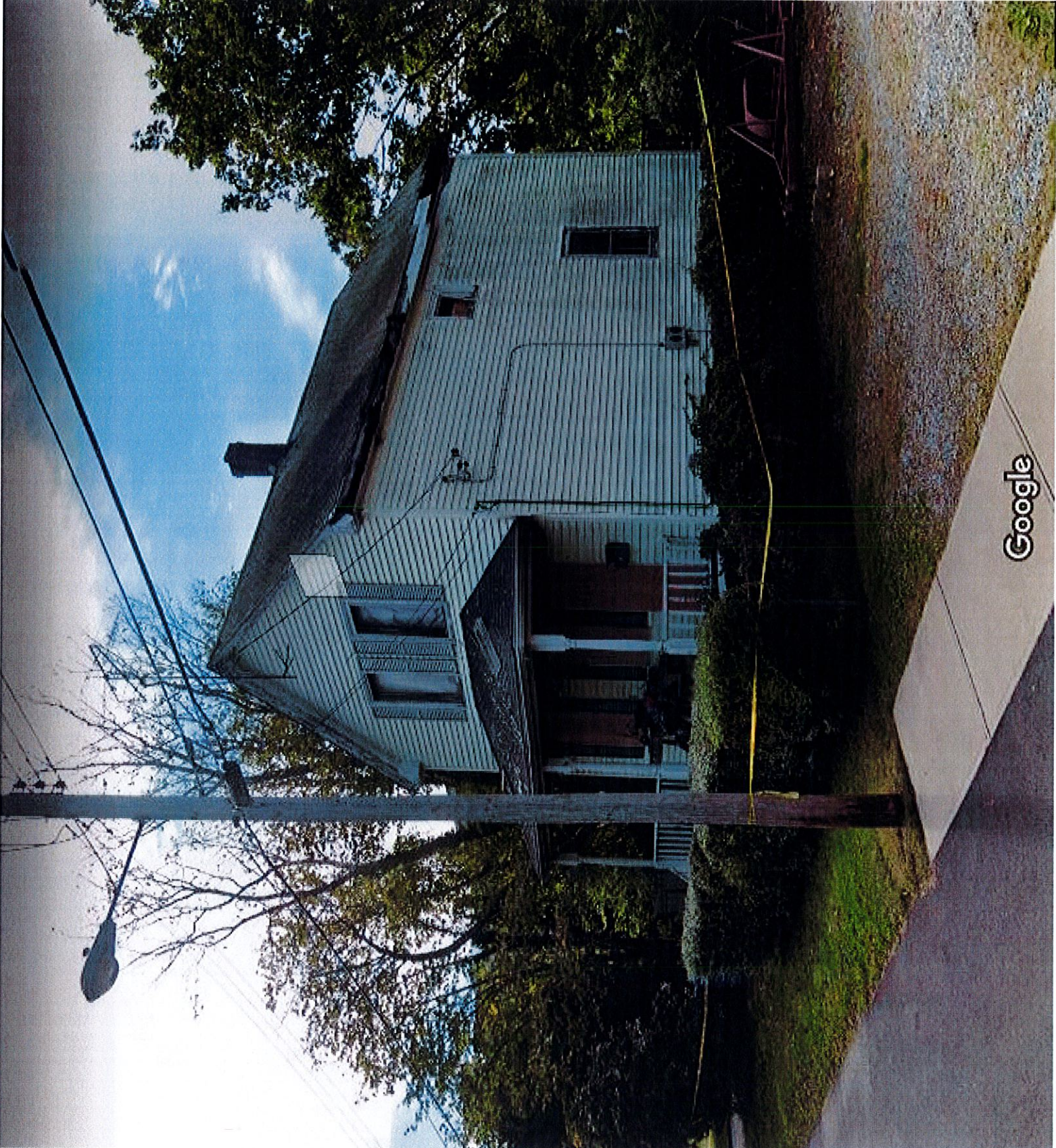
13 Clinton Street

Google

Houston Ave

Houston Ave

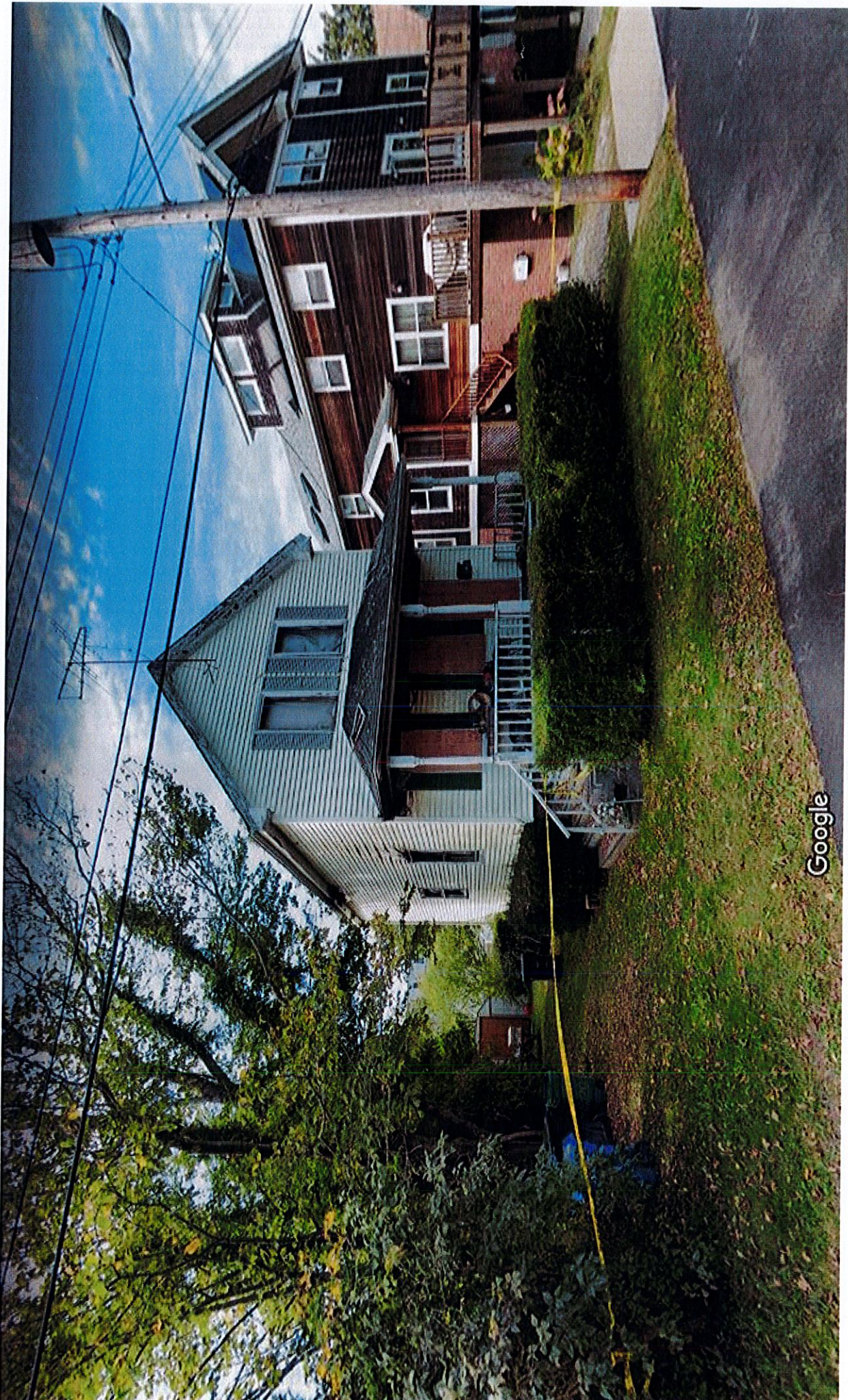
Houston Ave



Google



Google



Google



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Kyle and Melisa Spitzer
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401-996-5512

August 20, 2020

Project:

Existing structural conditions for existing home located at 13 Clinton Street Newport, RI

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The structure in question is a modest sized wood-framed, single family home that appears to have been built in the late 1800's. Walking around the perimeter of the home, I was able to observe the foundation to be comprised of stone masonry in fair shape. The front porch framing appeared to be in general dis-repair. I was not able to observe the framing under the front porch at the time of my visit. The exterior rear deck, railings, and stairs were modestly constructed and were in significant dis-repair. In my opinion, the rear deck was un-safe at the time of my visit. The exterior siding, trim, and roofing materials appeared to be adversely affected by the recent fire. The exterior windows and doors were mostly broken and boarded up at the time of my visit. To properly repair the fire damage and long-term damage due to deferred maintenance, all of the exterior finished would most likely need to be removed and replaced. This includes the roof, siding, trim, some or all of the exterior sheathing, windows, and doors.

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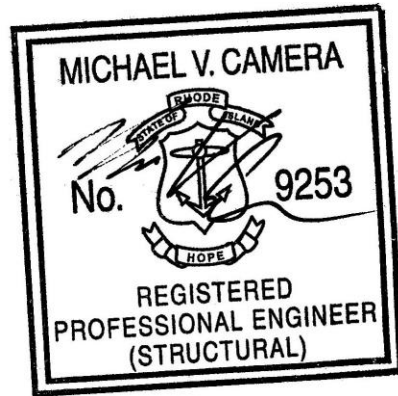
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Michael V. Camera P.E.
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Photo of front of house (boarded up and broken windows/doors)



Melted siding, fire damage through upper eaves, boarded up windows/doors



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Photo of ill-maintained/leaning front porch



Photo of failing rear deck, railings, stairs



Interior smoke / fire / heat damage in first floor



Interior smoke / fire / heat damage in first floor hallway
Note tight steep main stairwell



Interior smoke / fire / heat damage in first floor



Interior smoke / fire / heat damage in first floor
Note fire damaged 2nd floor joists