



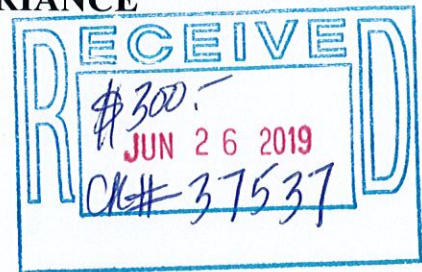
**COMBINED APPLICATION FOR A SPECIAL USE PERMIT &
A REGULATORY (DIMENSIONAL) VARIANCE**

**CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW**

DATE: June 26, 2019

Board Members:

ZBR AUG-1



The undersigned hereby petitions the Zoning Board of Review for a special use permit and a regulatory variance in the application of the provisions or regulations of the Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Location of Premises

Street & No: 25 Waites Wharf	Tax Assessor's Plat: 32, Lot: 155
Street & No: 20 West Extension Street	Tax Assessor's Plat: 32, Lot: 267
Street & No: 1 Waites Wharf	Tax Assessor's Plat: 32, Lot: 268
Street & No: 0 Waites Wharf	Tax Assessor's Plat: 32, Lot: 272
Street & No: 16 Waites Wharf	Tax Assessor's Plat: 32, Lot: 248
Street & No: 23 Coddington Wharf	Tax Assessor's Plat: 32, Lot: 293

Petitioner's Information

Applicant:	Harbour Realty, LLC	Address:	c/o J. Russell Jackson Miller Scott Holbrook & Jackson 122 Touro Street Newport, RI 02840
Owners:	Harbour Realty, LLC Tomorl, LLC 20 West Extension, LLC Waites Wharf Realty Association, LLC Thomas B. Abruzese		c/o J. Russell Jackson Miller Scott Holbrook & Jackson 122 Touro Street Newport, RI 02840
Leasee:	N/A		N/A

Property Characteristics

As part of this proposed development, the Applicant/Owners propose to merge the two (2) contiguous lots which are north of the Waites Wharf right of way into a single lot, and to merge the four (4) contiguous lots which are south of the Waites Wharf right of way into single lot. For the purposes of this Application the proposed merged lots will be referred to as "Waites Wharf North Lot" and "Waites Wharf South Lot."

Proposed Waites Wharf North Lot

Dimensions of Lot:

Frontage:	427 ft. +/- Waites Wharf (Lot 155) 135 ft. +/- West Extension St. (Lot 267)
Depth:	170 ft. +/-
Area:	84,471 sq. ft. +/-

Zoning District in which premises is located: Waterfront Business

How long have you owned above premises? 24 Years – 25 Waites Wharf (Lot 155)
3 Years – 20 West Extension St. (Lot 267)

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 15,035 sq. ft. +/-

Total square footage of the footprint of proposed buildings: 17,726 sq. ft. +/-

Present use of premise: Marina, nightclub, parking, warehouse.

Proposed use of premises: Marina, hotel, restaurant, banquet facility, parking.

Proposed Waites Wharf South Lot

Dimensions of Lot:

Frontage:	522.12 ft. +/- Waites Wharf (Lots 268, 272, 248) 95.32 ft. +/- Coddington Wharf (Lot 293)
Depth:	131.73 ft. +/-
Area:	53,322 sq. ft. +/-

Zoning District in which premises is located: Waterfront Business

How long have you owned above premises? 24 Years – 1 Waites Wharf (Lot 268)
16 Years – 0 Waites Wharf (Lot 272)
13 Years – 16 Waites Wharf (Lot 248)
18 Years – 23 Coddington Wharf (Lot 293)

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 12,835 sq. ft. +/-

Total square footage of the footprint of proposed buildings: 10,339 sq. ft. +/-

Present use of premise: Marina, restaurant & deck, parking, warehouse, residential dwelling.

Proposed use of premises: Marina, hotel, restaurant, banquet facility, parking.

Give extent of proposed alterations: The Applicant proposes to demolish the existing structures on both the merged Waites Wharf North Lot (Existing Lots 155 & 267) and the merged Waites Wharf South Lot (Existing Lots 268, 272, 248 & 293) and construct an upscale 150 room hotel. The hotel rooms, uses, amenities and parking will be distributed between the North and South Lots. The newly constructed hotel building on the Waites Wharf North Lot will have 88 guest rooms and will also house the restaurant, banquet and wedding facilities. The new hotel building on the South Lot will have 62 guest rooms.

Zoning Characteristics Matrix

Attached Hereto as Exhibit A

Project Summary:

The Applicant seeks relief pursuant to the hereinafter named provisions of the Zoning Code, for permission to demolish all existing structures on the subject parcels and merge the two lots north of the Waites Wharf right of way (Lots 155 & 267) into a single "North Lot" and merge the four lots south of the Waites Wharf right of way (Lots 268, 272, 248 & 293) into a single "South Lot." The North and South Lots will each be a conforming lot in the Waterfront Business Zone. Upon the merger of the lots, the Applicant proposes to continue the existing marina use and develop an upscale 150 room hotel complex with restaurant, wedding and banquet facilities. A hotel building with a footprint of 17,726 square feet will be constructed on the North Lot, which will house 88 guest rooms as well as the restaurant, wedding and banquet spaces. A hotel building with a footprint of 10,339 square feet will be constructed on the South Lot, which will house 62 guest rooms. The buildings will be constructed to meet all modern building code and flood zone requirements. Parking is provided on both the North and South Lots. Combined, there will be 266 parking spaces which will be sufficient to satisfy the requirements of the Zoning Code based on the various proposed uses of the two lot complex. The development will meet all setback, lot coverage and building height dimensional requirements for the Waterfront Business Zone. There will be a substantial increase in green space and a state of the art water quality and storm water management system installed as part of the project.

The development will enhance public access to the water by providing an improved pedestrian walkway around the entire perimeter of the hotel and marina complex. At the end of West Extension Street, the Applicant proposes to increase green space to make the public dinghy dock and public right of way more user friendly. From that point there will be a ten foot wide walking path running along the northern portion of the North Lot, until it reaches the western terminus of the parcel. Along the western end of both the North and South Lots, public access will be increased by providing a land based fifteen foot wide public walking and harbor observation area. A public access walking path will also be provided along the southern boundary of the premises and will provide a pedestrian connection to Coddington Wharf. The existing marina office will be removed from the western end of the Waites Wharf right of way. The proposed development will preserve and enhance existing direct public access to the water and will provide an improved and vital link for the ongoing development of the Newport Harbor walk.

As part of this development plan, the Applicant will be seeking relief pursuant to the following provisions of the Zoning Code:

Section 17.108.020 (Special Use Permits)

Section 17.56.020 (B)(8) (WB Zone Use Regulations – Transient Guest Facilities)

The proposed use as a hotel or “Transient Guest Facility” is allowed in the Waterfront Business Zone with a Special Use Permit. These sections of the Zoning Code are the applicable provisions relating to the Applicant’s request for a Special Use Permit for the development.

Section 17.108.010 (Variances)

This section of the code allows the Applicant to seek a variance from the literal application and enforcement of various provisions of the Zoning Code.

Section 17.100.050 (C) (Development Standards – Transient Guest Facilities – Room Density)

The Applicant seeks a regulatory variance from the requirements of the Development Standards as they relate to room density. In zones where Transient Guest Facilities are allowed by Special Use Permit, the standard density is one guest room per 1,500 square feet of lot area. This formula would yield a count of 91 guest rooms on the combined subject North and South Lots. The Applicant seeks a variance from the Development Standards to allow for 150 guest rooms.

Section 17.104.020 (F) (Parking & Loading Standards – Parking on Noncontiguous lots)

This section of the Zoning Code calls for the parking requirements for a Transient Guest Facility to be satisfied on site. To the extent necessary, the Applicant seeks relief from this provision of the Zoning Code to allow for the adjacent but noncontiguous North and South Lots, which are under common ownership and part of a comprehensive development plan, to be considered together for the purposes of satisfying the parking requirements for each of the uses of the hotel and marina complex.

Section 17.104.040 (B) (Parking & Loading Standards – Parking Space Design Standards – Exiting and Entering onto a Right of Way)

This section of the Zoning Code relating to Parking Space Design Standards requires that off street parking spaces open directly upon an aisle or driveway and not a pedestrian or vehicular right of way. The Applicant seeks relief to allow a portion of the proposed parking spaces on both the North and South Lots to open upon the Waites Wharf right of way.

What provisions of the Comprehensive Land Use Plan are applicable to this project?

The Applicant avers that the project is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

Land Use Goals and Policies:

- 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-1.3:** The City shall work with state regional agencies and private property owners to maintain viable maritime uses and public access within the city's harbor area, while also supporting uses necessary to accommodate tourism.
- Policy LU-1.4:** The City shall maintain design standards to protect historic structures, maintain the heritage of the community, and maintain views and access to the harbor and waterfront areas.
- Policy LU-1.6:** The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.

Economic Development:

- Goal ED-1:** To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.
- Policy ED-1.1:** The City shall support key economic drivers while also seeking to attract and grow its technology sector and businesses that represent new and innovative concepts and technologies.
- Policy ED-1.5:** The City shall build upon thriving sectors to develop a more substantial year-round tourism economy.

Goal ED-2: To protect and enhance the City's maritime related business.

Policy ED-2.1: The City shall consider the impacts of plans, programs, investments, regulations and other factors influencing or potentially influencing the viability of its maritime businesses and will take appropriate actions to avoid or mitigate negative impacts.

Goal ED-3: To provide efficient and effective government services to encourage economic development.

Policy ED-3.1: The City shall work with the State and advocate for City revenue options which provide a better return between the tax contributions provided by tourism in Newport with the tax revenues returned by the State to the City to pay for the services required to support the large tourism base.

Policy ED-3.5: The City shall make strategic capital investments that facilitate core economic development objectives.

Transportation and Circulation:

Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.

Policy T-5.1: The City shall strive to develop, implement and actively manage a plan and program intended to provide sufficient parking to support local businesses and tourist activity sites.

Open Space & Recreation:

Goal OSR-3: To protect and enhance public access to shoreline and waterfront areas.

Policy OSR-3.1: The City shall enhance and protect public access to the shoreline and waterfront areas through recreational sites, public rights-of-way, and access easements.

What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?

The Applicant/Owners own title to six contiguous or adjacent parcels of land, encompassing over half of the western portion of Waites Wharf. This is a unique circumstance in the Waterfront Business Zone, both in terms of the number of adjacent or contiguous lots under common ownership and in terms of the overall size of the area. These parcels are divided down the middle by the Waites Wharf public right of way. Without the right of way, all lots would be contiguous and available to merge into a single parcel in support of the proposed development. The Applicant is seeking a

regulatory variance to utilize all six lots by merging both lots north of the right of way into a single lot and merging all lots south of the right of way into a single lot and thereafter having both lots considered as a single development for zoning purposes. The flood zone status of this property also presents unique challenges to site development, storm water management and construction. The regulatory variances from the Development Standards requested by the Applicant as they relate to parking space design standards and room density would allow for the reasonable use of the land in light of these unique circumstances and challenges.

Explain how the literal interpretation of the provisions of this zoning code deprive the applicant of rights commonly enjoyed by other property owners in the same district under the provisions of this zoning code?

The subject property encompasses the western half of Waites Wharf. The property is in the heart of the Waterfront Business Zone and is surrounded by a rich mix of uses including traditional maritime, educational/institutional, retail, standard restaurant, fast food restaurants, parking lots, bar/taverns, offices, transient guest facilities, timeshares, residences and multi-unit condominium developments. The proposed hotel structures in this development will comply with setback, lot coverage and building height requirements. The ongoing marina operation is a use by right and the proposed hotel is a permitted use. The requested regulatory variances will allow both for a parking plan which provides 266 spaces, exceeding the number required by the proposed uses and for a room count which makes the project economically viable. The Applicant's hardship is due to the unique characteristics of the subject land as described herein and the literal interpretation of the zoning code, resulting in the denial of the relief requested would deny the Applicant the opportunity to develop the property as a transient guest facility, (which is allowed by Special Use Permit), in a manner consistent with a number of properties throughout the Waterfront Business Zone. The planned use of this property by the Applicant is appropriate and consistent with the purpose and intent of the Waterfront Business Zone and is consistent with the rights enjoyed by other property owners throughout this business district.

Explain why this is the minimum variance that will make possible the reasonable use of the land, building or structure.

The relief requested are the minimum variances and the least relief necessary that will make possible the reasonable use of the land, building or structure as a viable marina and hotel complex. These uses are consistent with the purpose and intent of the Waterfront Business Zone. The proposed development will be in harmony with the surrounding area and will allow for the use of the property consistent with other properties in the densely developed Waterfront Business Zone. The variances will not be injurious to the surrounding area or otherwise detrimental to the public welfare, nor will they impair the intent or purpose of the Zoning Code or the Comprehensive Land Use Plan because the requested regulatory variances are in furtherance of a reasonable use of the property. If the variances are denied the Applicant will suffer a hardship amounting to more than a mere inconvenience because it would be denied the ability to have a reasonable use as a viable transient guest facility in a manner consistent with the character of the Waterfront Business Zone.

The Zoning Boards Role

Special use permits shall be granted only where the zoning board of review finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare, after taking into account, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;
4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering;
5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;
6. All standards contained in this zoning code;
7. The comprehensive plan for the city.

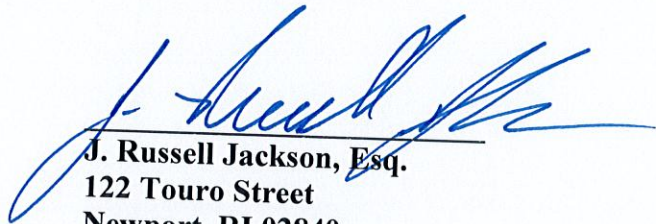
The burden of proof in a special-use permit application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit has been met, the board must deny the application.

In granting a variance, the zoning board of review shall require that evidence of the following standards be entered into the record of the proceedings:

- a) That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b) That the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the intent or purpose of the zoning code or the comprehensive plan upon which this zoning code is based;
- c) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant; and
- d) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- e) That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

By signing below, I hereby attest that the information provided is accurate and truthful.
I also attest that I have read the section entitled "The Zoning Board's Role".

Applicant & Owners
By Their Attorneys
Miller Scott Holbrook & Jackson

A handwritten signature in blue ink, appearing to read "J. Russell Jackson", is written over a horizontal line.

J. Russell Jackson, Esq.
122 Touro Street
Newport, RI 02840
Tel: 401-847-7500
jrjackson@millerscott.com

Constance N. Purcell
1708 Cypress Terrace Court
West Palm Beach, FL 33411
561/333-0205

August 13, 2019



Sent via US Mail & email
spires@cityofnewport.com

City of Newport
Office of Planning and Zoning
43 Broadway
Newport, RI 02840-2798

**Re: Notice to Property Owners Within 200' Radius of
25 Waite's Wharf, 23 Coddington Wharf, et al.,
Newport, RI**

Dear Sir or Madam:

I am in receipt of the above-referenced Notice to Property Owners. As an adjacent property owner I **STRONGLY OBJECT** to any such special use permit and/or variance to permit the demolition of existing structures and construction of a 150-room transient guest facility described in the attached notice, now or ever.

I regret that I will be unable to attend the meeting referenced in your Notice but ask that my objection be voiced and this letter be made a part of the record of these Public Hearings.

Thank you for your kind consideration, I remain

Sincerely,

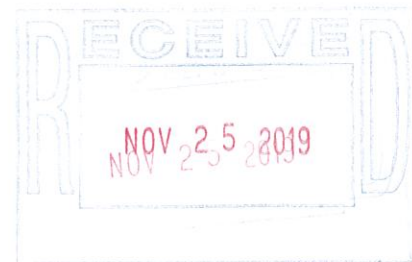
Constance N. Purcell

CNP:wh

Enclosure

Pires, Stephanie

From: Weston, Guy
Sent: Monday, November 25, 2019 9:20 AM
To: Carter Mario
Cc: Pires, Stephanie
Subject: RE: Waite's Wharf project



Thank you. Your comments have been added to the file.

From: Carter Mario [mailto:CMario@cartermario.com]
Sent: Sunday, November 24, 2019 11:45 AM
To: Weston, Guy
Subject: Waite's Wharf project

Dear Mr. Weston and Distinguished Zoning Board Members,
I am writing to share with you my concern for the proposed development on Waite's Wharf. I own property on Spring Street and on Thames Street and have been coming to Newport for the past 45 years.

This proposed project will have no positive outcome for Newport if approved, but is being done solely for the financial gain of the owner and no one else. It is much too dense a use and will overburden the streets and infrastructure of Newport. I drove down Waites Wharf the other day just to remind myself how narrow the street is and immediately wondered how on earth you could possibly think the roads can support any more traffic than what currently exists. If you approve this project, you will be ruining the quality of life for all the residents of Newport, especially those who live anywhere near Waite's Wharf.

Newport simply does not have the infrastructure to handle this type of development in the Waite's Wharf area and every member knows that and should do what's right, and that is to not approve the application.

Sincerely,
Carter E. Mario
398 Spring Street
375-379 Thames Street (Newport Onshore Marina #4, #10)

LIST OF ABUTTERS
NOTIFIED FOR THE FOLLOWING PETITION
08/05/2019

PETITION NUMBER: 1

PETITION OF HARBOUR REALTY, LLC, applicant; HARBOUR REALTY, LLC, AT ELS, owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, 91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed), applying to the property located on 0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension St., TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone).

32-076
INTERNATIONAL YACHT
RESTORATION SCHOOL, INC
449 THAMES ST
NEWPORT RI 02840

32-076-T
RESTORATION LEASING LLC
449 THAMES ST
NEWPORT RI 02840

32-121
PATTAVINA ANGELINA
2 BRENTON RD
NEWPORT RI 02840

32-123
GROVER ARTHUR A
PO BOX 739
NEWPORT RI 02840

32-125
INTERNATIONAL YACHT RESTORATION
SCHOOL
10 SPRING WHF
NEWPORT RI 02840

32-126
GROVER ARTHUR A
PO BOX 739
NEWPORT RI 02840

32-126-4
477 THAMES STREET LLC
C/O T. MUNNELLY
15 HOWARD ST
NEWPORT RI 02840

32-127
SILVER LAKE PIZZA INC
409 HOPE FURNACE RD
HOPE RI 02831

32-150
ASGARD INC
40 MARY ST
NEWPORT RI 02840

32-151
BEDARD GEORGE
5 BURR AVE
BARRINGTON RI 02806

32-153
STERNs TIMOTHY F
4 FARM ST
BELLINGHAM MA 02019

32-156
BERNARD COLLETTE
485 THAMES ST
NEWPORT RI 02840

32-157
MONIZ BRUCE A
487 THAMES ST
NEWPORT RI 02840

32-158
COLLINS WILLIAM &
COLLINS LISA
12 CLARK CT
LARCHMONT NY 10538

32-159
ASGARD INC

137
\$315.10

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40 MARY ST
NEWPORT RI 02840

32-161
1601 MINERAL SPRING AVENUE LLC
PO BOX 91012
JOHNSTON RI 02919

32-189
MEAD ARTHUR C
PO BOX 442
NEWPORT RI 02840

32-190
GERARDI FRANK W &
GERARDI BRENDA E
490 THAMES ST
NEWPORT RI 02840

32-191
TUNC TREES LLC
501 THAMES ST
NEWPORT RI 02840

32-192
TUNC TREES LLC
501 THAMES ST
NEWPORT RI 02840

32-215
BOUCHARD ALBERT J
BOUCHARD SARAH F
505 THAMES ST
NEWPORT RI 02840

32-216
BARGENDE PETER R &
BARGENDE HARMAN

125 MANOR AVE
WELLSLEY MA 02482

32-217
BOUCHARD ALBERT J &
BOUCHARD SARAH F
11 CODDINGTON WHF
NEWPORT RI 02840

32-218
MARONEY EVERETT A AND
MARION F
13 CODDINGTON WHF
NEWPORT RI 02840

32-219
DUNN MARION F
AKA MARION F MARONEY
13 CODDINGTON WHARF
NEWPORT RI 02840

32-221
CODDINGTON LANDING CONDO ASSN
31 CODDINGTON LANDING
NEWPORT RI 02840

32-221-01
KOCH PAUL S & JOANNE S
90 BEACHWOOD DR
EAST GREENWICH RI 02818

32-221-02
BONNYBROOK TRUST
LEVENTHAL EMILY TRUSTEE
PO BOX 470957
BROOKLINE MA 02447

32-221-03

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FIRTH INVESTMENT PROPERTIES LLC
1260 HIDDEN HARBOUR WAY
SARASOTA FL 34242

32-221-04
DIVON MICHAEL
31 CODDINGTON WHARF
UNIT #4
NEWPORT RI 02840

32-221-05
TYLER TWO LLC &
FIRELAND ACQUISITIONS LLC
RICHARD & VIVIAN HYDE
33 CHURCHILL AVE
ARLINGTON MA 02476

32-221-06
MINIOR VICTORIA K
62 OCEAN DR EAST
STAMFORD CT 06902

32-221-07
PURCELL MARTIN A &
PURCELL CONSTANCE N
1708 CYPRESS TERRACE CT
WEST PALM BEACH FL 33460

32-221-08
THE LOUTH COMPANY LLC
306 PINETREE ST
DUCK KEY FL 33050

32-221-09
MCSTAY ELIZABETH
4070 BARONNE WAY
MEMPHIS TN 38117

32-221-11
DANGELO CHRISTOPHER
25 BUXTON DRIVE
CRANSTON RI 02921

32-221-12
HABLEY ANDRA J REVOCABLE TRUST
HABLEY ANDRA J-TRUSTEE
31 CODDINGTON WHF UNIT 12
NEWPORT RI 02840

32-221-13
GOSSELIN GARY G & CHARLEEN C
7 PINE TREE LANE
LINCOLN RI 02865

32-221-14
STEVENS TRACY
7 THE GLADE
SIMSBURY CT 06070

32-221-15
HART MATTHEW W
8 LOCKWOOD DR
SCARSDALE NY 10583

32-221-16
GEORGAKOPOULOS DIMITRIOS ET ALS
66 BROWN ST
WESTON MA 02493

32-221-17
MELLOR HUGH II
31 CODDINGTON WHF 17
NEWPORT RI 02840

32-221-18
RENEHAN PETER D

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31 CODDINGTON WHF UNIT 18
NEWPORT RI 02840

32-221-19
VERDIBELLO AMBROSE A & JANET M
10 OLD FARM RD
POUGHKEEPSIE NY 12603

32-221-20
KENDALL ROBIN S & KENDALL TRISTEN N
&
KENDALL PAUL J
85 LANCASTER AVE
WEST SPRINGFIELD MA 01089

32-221-21
SHEA JOHN E & TRACY D
11 CORDIE STREET
CHARLESTOWN MA 02129

32-221-22
THILL DAVID M & LAUREN L
12 KINGSBURY RD
CHESTNUT HILL MA 02467

32-221-23
STEELE RITA C IRREVOCABLE QFRT
STEELE RITA C-TRUSTEE
67 DUNS HIGHWAY
NEW CANAAN CT 06840

32-221-24
ALTA LLC
7 DURHAM DR
ANDOVER MA 01810

32-221-25
ROSENBERG ROBERT D & CAROL

PO BOX 1275
ORANGE CT 06477

32-221-26
JOHNSON CARL V AND
CURTIS CYNTHIA H
PO BOX 455
CHARLESTOWN RI 02813

32-221-27
GAFFNEY WILLIAM J JR &
GAFFNEY JANICE M
31 CODDINGTON WHF UNIT 27
NEWPORT RI 02840

32-221-28
PASSANANTI VINCENT J
MERIDIEN BENEFIT GROUP, INC
10 DORRANCE ST
SUITE 524
PROVIDENCE RI 02903

32-221-29
BISCHOFF TRUST
BISCHOFF RICHARD J-TRUSTEE
1234 S. DIXIE HWY
PMB335
CORAL GABLES FL 33146

32-221-30
INISHEER LLC
407 GAY ST
WESTWOOD MA 02090

32-249
TUNC TREES LLC
501 THAMES ST

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08/05/2019

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PETITION OF HARBOUR REALTY, LLC, applicant; HARBOUR REALTY, LLC, AT ELS. owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, 91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed), applying to the property located on 0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension St., TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone).

NEWPORT RI 02840

32-257
GROVER ARTHUR
PO BOX 739
NEWPORT RI 02840

32-269
CASEY WILLIAM R AND ELIZABETH A
11 WAITES WHF
NEWPORT RI 02840

32-273
464 THAMES STREET LLC
15 HOWARD ST
NEWPORT RI 02840

32-281
GROVER ARTHUR A
PO BOX 739
NEWPORT RI 02840

32-283
SIDOTI FRANK J JR
65 FAR HILL DR
WESTPORT CT 06880

32-285
SPRING WHARF MARINE HOLDINGS LLC
SPRING WHF
NEWPORT RI 02840

32-299
BOUCHARD ALBERT J
BOUCHARD SARAH P
509 THAMES ST
NEWPORT RI 02840

32-303
GROVER ARTHUR
PO BOX 739
NEWPORT RI 02840

32-319-1
CLEMENS RONALD F III
CLEMENS MARY E
9 WAITES WHF 1
NEWPORT RI 02840

32-319-2
SCHREIBER RANDALL
24 MANN AVE
NEWPORT RI 02840

32-319-3
LENNOX FRANK J &
LENNOX LINDA S
123 SUTTON ST
OXBRIDGE MA 01569

35-020-6
515 THAMES ST LLC
515 THAMES ST APT 1
NEWPORT RI 02840

35-124
FITZPATRICK JOSEPH
657 THAMES ST
NEWPORT RI 02840

35-125-4
FEREIRA LINDA
3 GOODWIN ST
NEWPORT RI 02840

35-125-6

LIST OF ABUTTERS
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PETITION NUMBER: 1

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YANEZ MARIO L
VALLE YANEZ LORIE
575 MOUNTAIN RD
WEST HARTFORD CT 06117

35-128
517 THAMES ST LLC
C/O A KAGAN
29 CLIFF AVE
NEWPORT RI 02840

35-146
CODDINGTON WHARF CONDO ASSN
16 CODDINGTON WHF
NEWPORT RI 02840

35-146-1
NICOLACE JOHN J &
HAYES, JOANNE D
CODDINGTON WHARF CONDO U 1
16 CODDINGTON WHARF
NEWPORT RI 02840

35-146-2
CORRIVEAU RONALD G & CORRIVEAU
CAROLE
16 CODDINGTON WHF 2
NEWPORT RI 02840

35-146-3
MELFA VICTOR J JR AND KAREN
3 PICCADILLY WAY
WESTBOROUGH MA 01581

35-146-4
2CAR? LLC
4 SETTE MIA J

16 CODDINGTON WHF UNIT 4
NEWPORT RI 02840

35-204-A1
CCB CAPITAL AND REAL ESTATE INC
543 THAMES ST
NEWPORT RI 02840

35-204-A2
NEWPORT LODGING LLC
543 THAMES ST
NEWPORT RI 02840

35-204-B1
STERALOIDS REALTY, LLC
547 THAMES ST
NEWPORT RI 02840

35-204-B2
STERALOIDS REALTY, LLC
547 THAMES ST
NEWPORT RI 02840

35-204-C1
555 THAMES ST LLC
16 GEORGE ST
NEWPORT RI 02840

35-204-C2
555 THAMES ST LLC
16 GEORGE ST
NEWPORT RI 02840

35-204-D1
COXE PROPERTIES LLC
9662 MCCLANAHAN RD
GREENCASTLE PA 17225

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35-204-D2
COKE PROPERTIES LLC
9662 MCCLANAHAN RD
GREENCASTLE PA 17225

35-204-E
MIM REALTY LLC
351 BROADWAY
NEWPORT RI 02840

35-204-H3
WELLINGTON HOTEL OWNERS ASSOCIATION
PO BOX 296
NEWPORT RI 02840

35-204-H4
WELLINGTON HOTEL OWNERS ASSOCIATION
PO BOX 296
NEWPORT RI 02840

35-204-H5
WELLINGTON HOTEL OWNERS ASSOCIATION
PO BOX 296
NEWPORT RI 02840

35-204-R1
56 ASSOCIATES RIGP
76 DORRANCE ST
PROVIDENCE RI 02903

35-204-REC1
WELLINGTON HOTEL ASSOCIATES
543 THAMES ST
NEWPORT RI 02840

35-210
DANDENEAU JAMES V & DEBORAH A
50 CHASE RD

DAYVILLE CT 06241

35-236
HARKINS CHRISTOPHER
1907 EAST MAIN RD
PORTSMOUTH RI 02871

35-236-1
HAWTHORNE REALTY LLC
38A GROVE ST
STE 102
RIDGEFIELD CT 06877

35-236-2
KOSTEK DOROTHY C &
DUNNIGAN SHANNON C
C/O DOROTHY KOSTEK
58 ROWAYTON WOODS DR
NORWALK CT 06854

35-238
WAGNER BENSON E
19 FRONT ST A3-C
NEWBURGH NY 12550

35-240
TUNNAH CHRISTOPHER
170 BEACH 91ST ST
UNIT 5
ROCKAWAY BEACH NY 11693

35-241
MCGILLICUDDY JOHN G & MCGILLICUDDY
KATHLEEN M
8 GOODWIN ST
NEWPORT RI 02840

35-242

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NOTIFIED FOR THE FOLLOWING PETITION
08/05/2019

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5 GOODWIN STREET LLC
181 BELLEVUE AVE UNIT 215
NEWPORT RI 02840

35-243
PERKINS JASON
181 BELLEVUE AVE UNIT 215
NEWPORT RI 02840

35-244
GULLISON JOHN R
PO BOX 3129
NEWPORT RI 02840

35-247
HAYS NANCY LANG REVOCABLE TRUST
14515 W GRANITE VALLEY DR
APT C421
SUN CITY WEST AZ 85375-6043

35-259
DENNIS LISA D
9 GOODWIN ST
NEWPORT RI 02840

35-265
CODDINGTON WHARF CONDO ASSN
28 CODDINGTON WHF
NEWPORT RI 02840

35-265-1N
ZACHARIAS SUSAN 2016 REVOCABLE
TRUST
77 SUDBURY RD
WESTON MA 02493

35-265-1S
FOSTER CARYN JOHNSTON

26 CODDINGTON WHARF
NEWPORT RI 02840

35-265-2N
ZACHARIAS SUSAN 2016 REVOCABLE
TRUST
77 SUDBURY ROAD
WESTON MA 02493

35-265-2S
ARBUTHNOT CHRISTOPHER H
26 CODDINGTON WHF
NEWPORT RI 02840

35-265-COT
NICOLACE JOHN J
HAYES JOANNE D
16 CODDINGTON WHARF
UNIT 1
NEWPORT RI 02840

35-273
MONAHAN LYNN M
4 CODDINGTON WHARF
NEWPORT RI 02840

35-278
NEWPORT CITY OF
CITY HALL
NEWPORT RI 02840

35-286-1.1
JENNINGS MARY M-TRUSTEE
MARY M JENNINGS REVOCABLE TRUST
3 KIRWINS LN UNIT 1
WELLINGTON ON THE HARBOR
NEWPORT RI 02840

LIST OF ABUTTERS
NOTIFIED FOR THE FOLLOWING PETITION
08/05/2019

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35-286-1.2
3 KIRWIN NO 2 LLC
4019 SOUTH OCEAN ROAD
HIGHLAND BEACH FL 33487

35-286-1.3
HURD DAVID C TRUSTEE
HURD DAVID C TRUST
KIRWINS LN 1.3
NEWPORT RI 02840

35-286-1.4
SZPAK MARK P & MOUNT ROBIN E
10 GLENN RD
BELMONT MA 02478

35-286-1.5
JANERI LLC
8 CRESTWOOD RD
SOMERSET MA 02726

35-286-1.6
ABRUZESE THOMAS B AND PATRICIA A
39 AGAR ST
YONKERS NY 10701

35-286-2.1
HOVEY CHANDLER III &
URRY VALERIE N
190 EAST 72ND ST APT 21 A
NEW YORK NY 10021

35-286-2.2
WATERSIDE DEVELOPMENT LLC
C/O ROBERT P YOUNGMAN
1130 PARK AVE
NEW YORK NY 10128

35-286-3
WELLINGTON MARINA LLC
CO THOMAS GOULET CPA
PO BOX 3742
NEWPORT RI 02840

35-287
WEBRE MARY IRIS
18136 FM 359
HEMPSTEAD TX 77445

Abutter's List

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32	125
32	126-4
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35 287

August 26, 2019

RE: Petition of Harbour Realty, LLC (Waites Wharf Zoning Application)



To the Members of the Zoning Board:

I ask the Zoning Board to deny the Special Use Permit and the Regulatory Variance requested for this proposed development on Waites Wharf.

I'd like to begin with the Waterfront Business District description from the *Comprehensive Plan*:

"Water-dependent and water enhanced land uses exist between Thames Street and the Newport Harbor. Residential, retail, office and food services are permitted in this land use category; **however preference is given to water dependent uses, especially on waterfront parcels**".

And from *Zoning Code*:

"...retail and commercial service facilities.....a mix of land uses is encouraged in this area, **with access to the water utilized by those activities, which are dependent on such a location for their existence**".

- In reference to the above highlighted portions, I ask the board to truly consider how a hotel would be "*dependent on access to the water for its existence.*" It does not. Please deny the Special Use Permit requested for the hotel portion of this proposed development. Keep the marina (which meets the District's objective), keep the restaurant and perhaps the banquet facility. I suggest utilizing a different commercial service to add to a "mixed use" development that is better suited to the waterfront district than a hotel: A combination of marine retail, transient lodging specifically for sailors/boat crew, residential, office space, marine services such as sail making, custom cushion sewing, etc., marine education/marine conference center, in addition to the restaurant. This proposed hotel will be a wedding venue, which is NOT in keeping with this district.
- I ask the board to deny the requested variance for room density. Maximum allowed is 91, proposed is 150. Is this the minimum variance? The request is an increase of 40% over the max allowed! That is not the minimum by any standard. Just because two buildings, with max footprints allowed can fit on this combined parcel, doesn't mean that it is appropriate for the location, the neighborhood, the city. What is their hardship? Their explanation in the application states: "*requested variance...will allow for room count which makes the project economically viable*". Monetary reasons are not an acceptable hardship for zoning relief. They also state the unique characteristics of the land as hardship. This parcel's characteristics may be a design challenge (which Architects face every day) but it is not a hardship. As stated in the application, the parcel is the combination of six, which encompasses over half the western portion of Waites Wharf. This parcel is gigantic compared to others in the district – it is a boon, not a hardship!
- I ask the board to deny the following site items due to the extreme vehicular congestion they will cause and the interference to the public ROW:
 - Proposed three vehicular access curb cuts that are all 2-way onto West Extension Street. I can't wrap my head around tiny West Extension Street handling 2-way traffic with three vehicular access curb cuts.

- Proposed one vehicular curb cut onto Coddington Wharf.
 - Requested variance for direct parking on the public ROW
 - Proposed two loading zones in public ROW
 - Proposed loading zone on the western (water) side of the north building
-
- I ask the board to consider very carefully the applicant's request to use the "North Lot" and the "South Lot" for the same building use, with amenities and parking distributed between the two. Please deny the same building use on both lots. There is a description of "Mixed Use Waterfront District" in the Comprehensive Plan:
*"The Mixed-Use, Waterfront land use is primarily located along the eastern side of Newport Harbor, west of Thames Street. **This area is historically mixed-use and this development pattern is promoted for the future.** Uses including housing, retail, offices, restaurants, boat building and repair, fish and seafood receiving, handling, and shipping **are all promoted in a mixed environment with small lot sizes.** Often housing and/or offices are on second or third floors with more intensive uses, such as retail or restaurants, located on the street level. The only zoning district permitted in this land use category is Waterfront Business."*
Please consider the importance of truly mixed use building development. Please promote the historic mixed uses in this district as listed above and their typical location on "small lot size". Please do not allow the fabric of this district to change by the approval of large combined lots with one building use only. This will encourage proposals for out-of-scale, large building massing which will change the waterfront district forever.

In conclusion, this development is too extreme for its location. The use does not fit the district. The size, massing and number of buildings is excessive and are not in keeping with context of its location. The proposed density is too high and the proposed vehicular circulation will cause gridlock on lower Thames Street, West Extension and Coddington. Further, their single building use on combined lots ignores the very essence of what this unique district represents.

Please deny the application for Special Use permit and the Regulatory Variance.

Thank You for your time,

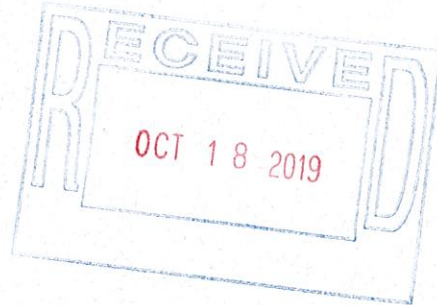


Stephanie Szneke
11 Everett Street

Kate W. Haakonsen
7 South Baptist Street
Newport, RI 02840
(860)402-0507

October 16, 2019

City of Newport
Zoning Board of Review
43 Broadway
Newport, RI 04840



RE: Application of Harbour Realty, LLC

Dear Members of the Board:

I am writing to urge you to deny the application of Harbour Realty, LLC for a special use permit and a regulatory variance as set forth in its application on file for reasons I will explain in this letter. I am an interested party because I am the owner of a home directly behind the abutters located on the east side of Thames Street, namely 7 South Baptist Street. From the windows on the west side of my home, I have a direct view down Waites Wharf across our beautiful harbor to Fort Adams, and we enjoy the breeze which cools our neighborhood each afternoon and evening. Aside from the certain loss of our view, light and airflow, the reasons you should deny this application are many.

The Proposed Development Does Not Conform to the Comprehensive Plan

The proposed development is not in conformity with description in the Comprehensive Plan for Newport of a Mixed-Use Waterfront district in which it is located. Policy LU-1.4 calls for the City to maintain design standards to protect historic structures, maintain the heritage of the community, and maintain view and access to the harbor and waterfront areas.

The property at issue is located along the eastern side of Newport Harbor, west of Thames Street. This area is historically mixed-use and this development pattern is promoted in The Plan for the future. Uses including housing, retail, offices, restaurants, boat building and repair, fish and seafood receiving, handling, and shipping are all promoted in a mixed environment with small lot sizes. Often housing and/or offices are on second or third floors with more intensive uses, such as retail or restaurants, located on the street level. The only zoning district permitted in this land use category is Waterfront Business. A Special Use Permit is required for a transient

guest facility in this zone. A large hotel and wedding venue with extensive parking is not what is contemplated by this plan and is at odds with the existing character and mix of uses in the neighborhood. The application also seeks permission to interfere with a public right of way on the wharf by having increased parking exiting on the right of way. Although the application touts improved pedestrian access to the harbor, it will require pedestrians to make their way through the hotels rising on either side of the right of way to the end of the wharf before they can even see that the harbor is there. The development will certainly not maintain views and access to the harbor as required by Land Use Goals and Policies and will alter the balance of residential and commercial uses to the detriment of residents and even tourists seeking to enjoy open views of the water. It will not enhance and protect public access to the shoreline and waterfront around the right of way as required by Policy OSR-3.1.

The Proposed Development will not comply with the rules of the Zoning Board.

The traffic patterns existing in the area are not adequate to accommodate the proposed use. The property has one means of ingress, Thames Street, which is a one-lane road traveling only south. It is currently congested much of the time especially on weekends such that it can easily take a traveler 30 minutes or more to arrive at Waites Wharf from the Pell Bridge, a distance of about 2.5 miles. The addition of 266 vehicles (the number of requested parking spaces) would make the situation untenable for residents and visitors. Virtually all residents of Newport who live south of the proposed development also have to travel the same route and would be affected by the increased traffic. In addition, the traffic could impede access by emergency service vehicles trying to make their way down Thames Street.

The Proposed Development also has one main means of egress which would be via the narrow, east-bound residential streets south of Waites Wharf to Spring Street or Bellevue Avenue and then to Memorial Boulevard. Spring Street and Bellevue Avenue suffer from the same continual congestion as Thames Street. It is common that it takes 15 minutes to travel north on Spring Street from South Baptist Street to Memorial Boulevard in the afternoon or early evening. The volume of traffic associated with the Proposed Development would make the situation exponentially worse.

The Proposed Development will not be in harmony with the surrounding area.

This is not Long Wharf or America's Cup which feature a 4-lane north-south roadway with several opportunities to change direction unlike Thames Street. The Yachting District, as the area is known, is a mix of residences, marine-related businesses and

small retail establishments and restaurants, mostly built in the 19th century. It has a quaint historic feel, not a hotel resort atmosphere. The streets running perpendicular to Thames Street are narrow residential and mostly one-way. Parking in the area is at a premium most of the year and restricted to residents during the season. Many homes have no off-street parking leaving residents to compete with visitors for spaces near their homes during the day.

The Proposed Development will not promote the stated economic development goals of the City.

There is nothing about this proposed development which will promote a robust and diverse economy or attract and grow the City's technology sector and businesses that represent new and innovative concepts and technologies. Nor will it support a more substantial year-round tourism economy. There is no evidence that Newport lacks accommodations for tourists during the off season which is what is implied by the term "year-round." Additional empty rooms in the winter months will do nothing to attract tourism. Additional congestion in season will not enhance the experience of resident taxpayers or tourists. A continual traffic jam will only serve to discourage tourism.

In addition, the months of construction this development will require will subject residents, tourists and existing businesses to major noise and traffic disruptions which are likely to put some businesses out of business. Construction vehicles will have to travel down Thames Street and up the narrow residential streets in the neighborhood interfering the normal flow of vehicles, pedestrians and, therefore, customers.

The Requested Variance increases the number of allowable rooms by 65%.

Do not make the mistake of thinking this is a request for a small increase in rooms. The 150 rooms requested amount to an increase of 65% over the number allowed. With 266 parking spaces, that provides for only 116 spaces for employees and restaurant and banquet guests who are not staying in rooms. The building height proposed appears to exceed the recent changes for maximum elevation. It will also deprive numerous existing properties of views of and breezes from the harbor which they currently enjoy. Particularly in the case of loss of views, it is likely to decrease the value of those properties for those taxpayers. No amount of "greenspace" will make up for the access to the waterfront vistas which will be blocked by this development or the increase in traffic on the only roads serving the area. Although the application fails to mention the number of guests the banquet facilities and restaurants will accommodate, it is clear that the development will be too dense

for the neighborhood and not in character with existing mixed use and should not be granted a Special Use Permit.

There is no hardship associated with the subject property which would support the requested variance.

A hardship is a condition or circumstance which is peculiar to the land and distinguishes it from other land in the same district. The applicant asserts that there is hardship created by its having acquired a number of contiguous lots on either side of the Waites Wharf public right of way. This is in no way an accident. The applicant deliberately acquired these lots over a period of time with the apparent intent of developing them as a single lot even though they were separate properties. The properties have always been located along the waterfront. The flood zone status and storm water managements characteristics of these lots can be no surprise.

The applicant implies that it has some inherent right to develop these six lots as a transient guest facility of a size and density exceeding that which is allowed and that this right is frustrated by a condition of the property. Further it claims that, in essence, a smaller less dense development more in keeping with the surrounding "rich mix of uses" would not be economically viable. Assume that means it wouldn't be profitable enough. Not being able to realize the greatest possible profit from the land does not constitute a hardship. The applicant knew what it was buying and should have known what would be the permitted uses of its purchases.

Now the applicant seeks relief from a dilemma of its own making which is inconsistent with the definition of a hardship. Thus, it would be a violation of zoning laws and regulations to find a hardship in this situation.

For all of these reasons and for the welfare of the neighborhood and the taxpayers of the city, I urge you to deny the application of Harbour Realty, LLC for its properties at Waites Wharf.

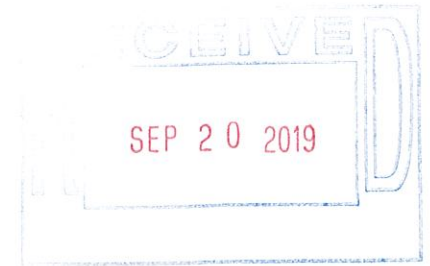
Very truly yours,



Kate W. Haakonsen

September 3, 2019

RE: Petition of Harbour Realty, LLC- Waites Wharf Zoning Application



Members of the Zoning Board:

I am a full-time 20+ year resident of Newport and recipient of the written notification as an owner of 3 Goodwin Street, which is located within 200 feet of the petition referenced above. As an adjacent property owner, **I STRONGLY OBJECT** and ask the board to **DENY** any special use permit to demolish existing structures and new construction of a 150 room transient guest facility now and forever. I am planning to attend the newly scheduled meeting on Monday, October 28th to voice my concerns.

This is a longtime residential neighborhood that is zoned Waterfront Business:

Being "water dependent and water enhanced land uses between Thames Street and Newport Harbor. Residential, retail, office and food services are permitted in the land use category; however preference is given to water dependent uses, especially on waterfront parcels"

The current room density MAXIMUM allowed is 91 rooms with the proposed being 150 rooms. The application states: the requested variance "will allow for room count which makes the project economically viable". Economic or monetary beneficial reasons do not fit the hardship category for zoning relief to increase the variance to an unacceptable 40% over the max allowed.

In my opinion a hotel is not dependent on waterfront use. There are plenty of large areas outside of Newport that areas better suited for this type of build. We all strive for waterfront access for all and we continue to destroy the waterfront beautiful landscape of our historical city with large corporate enterprises. Once the board continues to move forward with such approvals there is no going back, the waterfront landscape is forever changed in a very negative manner. We should be reserving this space for marine industry and other pertinent opportunities that benefit the future community of Newport not corporate enterprise. This is not appropriate for this neighborhood. There are 2 large hotels currently being constructed and more on the way that have been approved, this is extremely disturbing to me and most residents.

As a current resident in this neighborhood the disturbance of delivery trucks between 6 A.M. -5 P.M. is already an existing problem, as my driveway is frequently blocked by such delivery trucks unloading supplies. With this proposed hotel this issue will only escalate significantly.

Thames Street is all ready grid lock from May- October the addition of this transient hotel will only increase the amount of traffic, since there is only a one lane main road to service this part of town. Please consider the traffic impact and consequences this will have in addition to the existing challenges that already exist for residents in this community.

The infrastructure in our city is old and delicate to say the least. We have had many issues on Goodwin street alone with main water lines on the street rupturing into basements due to the existence of current cracks. Thousands of personal dollars have been spent installing French drains and other preventative measures to find out it was an outside issue from a rupture in the main pipe on the street in front of our homes. These cracks continue clearly by the use of sub pumps on a hot dry day, this is not normal drainage from elevation above . Having such a fragile water and sewer system already will not improve with further stress from new construction. Not to mention the gas crisis we had this past winter which had a horrific and stressful impact personally and within our community.

This development is too extreme for this location, the large scale of this project does not fit the character of this district. The single building use on combined lots is in contrast to the intent of what this land should be used for in "yachting village" and within this district.

Please **DENY** the application for a Specialty use permit and the Regulatory Variance.

Kind regards,

Linda Pereira
3 Goodwin Street
Newport, RI 02840

September 3, 2019

RE: Petition of Harbour Realty, LLC- Waites Wharf Zoning Application



Members of the Zoning Board:

I am a full-time 20+ year resident of Newport and recipient of the written notification as an owner of 3 Goodwin Street, which is located within 200 feet of the petition referenced above. As an adjacent property owner, **I STRONGLY OBJECT** and ask the board to **DENY** any special use permit to demolish existing structures and new construction of a 150 room transient guest facility now and forever. I am planning to attend the newly scheduled meeting on Monday, October 28th to voice my concerns.

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Being "water dependent and water enhanced land uses between Thames Street and Newport Harbor. Residential, retail, office and food services are permitted in the land use category; however preference is given to water dependent uses, especially on waterfront parcels"

The current room density MAXIMUM allowed is 91 rooms with the proposed being 150 rooms. The application states: the requested variance "will allow for room count which makes the project economically viable". Economic or monetary beneficial reasons do not fit the hardship category for zoning relief to increase the variance to an unacceptable 40% over the max allowed.

In my opinion a hotel is not dependent on waterfront use. There are plenty of large areas outside of Newport that areas better suited for this type of build. We all strive for waterfront access for all and we continue to destroy the waterfront beautiful landscape of our historical city with large corporate enterprises. Once the board continues to move forward with such approvals there is no going back, the waterfront landscape is forever changed in a very negative manner. We should be reserving this space for marine industry and other pertinent opportunities that benefit the future community of Newport not corporate enterprise. This is not appropriate for this neighborhood. There are 2 large hotels currently being constructed and more on the way that have been approved, this is extremely disturbing to me and most residents.

As a current resident in this neighborhood the disturbance of delivery trucks between 6 A.M. -5 P.M. is already an existing problem, as my driveway is frequently blocked by such delivery trucks unloading supplies. With this proposed hotel this issue will only escalate significantly.

Thames Street is all ready grid lock from May- October the addition of this transient hotel will only increase the amount of traffic, since there is only a one lane main road to service this part of town. Please consider the traffic impact and consequences this will have in addition to the existing challenges that already exist for residents in this community.

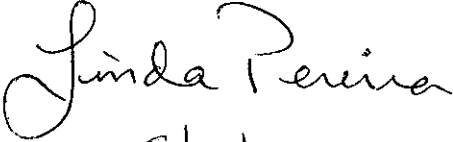
The infrastructure in our city is old and delicate to say the least. We have had many issues on Goodwin street alone with main water lines on the street rupturing into basements due to the existence of current cracks. Thousands of personal dollars have been spent installing French drains and other preventative measures to find out it was an outside issue from a rupture in the main pipe on the street in front of our homes. These cracks continue clearly by the use of sub pumps on a hot dry day, this is not normal drainage from elevation above . Having such a fragile water and sewer system already will not improve with further stress from new construction. Not to mention the gas crisis we had this past winter which had a horrific and stressful impact personally and within our community.

This development is too extreme for this location, the large scale of this project does not fit the character of this district. The single building use on combined lots is in contrast to the intent of what this land should be used for in "yachting village" and within this district.

Please **DENY** the application for a Specialty use permit and the Regulatory Variance.

Kind regards,

Linda Pereira
3 Goodwin Street
Newport, RI 02840


9/3/19



THE CITY OF NEWPORT, RHODE ISLAND - AMERICA'S FIRST RESORT
Department of Planning, Zoning, Development & Inspections

Office of Planning and Zoning

PEREIRA LINDA
3 GOODWIN ST
NEWPORT RI 02840

DATE: 08/05/2019

Meeting
Oct 28th

Dear Property Owner:

This is to notify you as owner of property located at 3 GOODWIN ST, PLAT/LOT: 35-125-4 that the proposal listed below has been filed with the Office of Zoning & Inspections, City Hall, Newport, RI. You are being notified as an owner of property that is located within 200 ft. of the petition.

PETITION OF HARBOUR REALTY, LLC, applicant;
HARBOUR REALTY, LLC, AT ELS, owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, 91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed), applying to the property located on 0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension St., TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone).

Said proposal is on file in the Office of Zoning & Inspections City Hall, and may be examined on the City's website <https://www.cityofnewport.com/city-hall/boards-commissions/boards/zoning-board>

This matter is scheduled to be heard at a public hearing to be held at 7:00 p.m. on Monday, August 26, 2019 in the Council Chambers, City Hall, 43 Broadway. At hearing, opportunity will be given to all interested parties who wish to be heard. Comments may also be submitted in writing or email. Email comments to spires@cityofnewport.com. Mail or deliver written comments to the Office of Zoning & Inspections, City Hall, 43 Broadway, Newport, RI 02840 or present them at the hearing. Call 401-845-5451/52 for additional information.

Sincerely,

Oct 28th 2019

August 26, 2019

RE: Petition of Harbour Realty, LLC (Waites Wharf Zoning Application)



To the Members of the Zoning Board:

I ask the Zoning Board to deny the Special Use Permit and the Regulatory Variance requested for this proposed development on Waites Wharf.

I'd like to begin with the Waterfront Business District description from the *Comprehensive Plan*:

"Water-dependent and water enhanced land uses exist between Thames Street and the Newport Harbor. Residential, retail, office and food services are permitted in this land use category; **however preference is given to water dependent uses, especially on waterfront parcels**".

And from *Zoning Code*:

"...retail and commercial service facilities.....a mix of land uses is encouraged in this area, **with access to the water utilized by those activities, which are dependent on such a location for their existence**".

- In reference to the above highlighted portions, I ask the board to truly consider how a hotel would be "*dependent on access to the water for its existence.*" It does not. Please deny the Special Use Permit requested for the hotel portion of this proposed development. Keep the marina (which meets the District's objective), keep the restaurant and perhaps the banquet facility. I suggest utilizing a different commercial service to add to a "mixed use" development that is better suited to the waterfront district than a hotel: A combination of marine retail, transient lodging specifically for sailors/boat crew, residential, office space, marine services such as sail making, custom cushion sewing, etc., marine education/marine conference center, in addition to the restaurant. This proposed hotel will be a wedding venue, which is NOT in keeping with this district.
- I ask the board to deny the requested variance for room density. Maximum allowed is 91, proposed is 150. Is this the minimum variance? The request is an increase of 40% over the max allowed! That is not the minimum by any standard. Just because two buildings, with max footprints allowed can fit on this combined parcel, doesn't mean that it is appropriate for the location, the neighborhood, the city. What is their hardship? Their explanation in the application states: "*requested variance...will allow for room count which makes the project economically viable*". Monetary reasons are not an acceptable hardship for zoning relief. They also state the unique characteristics of the land as hardship. This parcel's characteristics may be a design challenge (which Architects face every day) but it is not a hardship. As stated in the application, the parcel is the combination of six, which encompasses over half the western portion of Waites Wharf. This parcel is gigantic compared to others in the district – it is a boon, not a hardship!
- I ask the board to deny the following site items due to the extreme vehicular congestion they will cause and the interference to the public ROW:
 - Proposed three vehicular access curb cuts that are all 2-way onto West Extension Street. I can't wrap my head around tiny West Extension Street handling 2-way traffic with three vehicular access curb cuts.

- Proposed one vehicular curb cut onto Coddington Wharf.
 - Requested variance for direct parking on the public ROW
 - Proposed two loading zones in public ROW
 - Proposed loading zone on the western (water) side of the north building
- I ask the board to consider very carefully the applicant's request to use the "North Lot" and the "South Lot" for the same building use, with amenities and parking distributed between the two. Please deny the same building use on both lots. There is a description of "Mixed Use Waterfront District" in the Comprehensive Plan:
*"The Mixed-Use, Waterfront land use is primarily located along the eastern side of Newport Harbor, west of Thames Street. **This area is historically mixed-use and this development pattern is promoted for the future.** Uses including housing, retail, offices, restaurants, boat building and repair, fish and seafood receiving, handling, and shipping **are all promoted in a mixed environment with small lot sizes.** Often housing and/or offices are on second or third floors with more intensive uses, such as retail or restaurants, located on the street level. The only zoning district permitted in this land use category is Waterfront Business."*
 Please consider the importance of truly mixed use building development. Please promote the historic mixed uses in this district as listed above and their typical location on "small lot size". Please do not allow the fabric of this district to change by the approval of large combined lots with one building use only. This will encourage proposals for out-of-scale, large building massing which will change the waterfront district forever.

In conclusion, this development is too extreme for its location. The use does not fit the district. The size, massing and number of buildings is excessive and are not in keeping with context of its location. The proposed density is too high and the proposed vehicular circulation will cause gridlock on lower Thames Street, West Extension and Coddington. Further, their single building use on combined lots ignores the very essence of what this unique district represents.

Please deny the application for Special Use permit and the Regulatory Variance.

Thank You for your time,

Stephanie Szneke
 11 Everett Street

Pires, Stephanie

From: Cofield, Patricia
Sent: Tuesday, August 20, 2019 1:30 PM
To: Pires, Stephanie
Cc: Weston, Guy
Subject: FW: Waite's Wharf Development

Hi Stephanie,

Can you send this to the Zoning Board?

Thanks,

Patti

Patricia A. Cofield
Administrative Assistant to the
City Manager and Mayor
NEWPORT CITY HALL
43 Broadway, 2nd Floor
Newport, Rhode Island 02840
pcofield@cityofnewport.com
(401) 845-5437 (tel)
(401) 845-2510 (fax)

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From: Jeanne-Marie Napolitano [mailto:jeannemarien@aol.com]
Sent: Tuesday, August 20, 2019 1:05 PM
To: Cofield, Patricia
Subject: Fwd: Waite's Wharf Development

Patty please see that this letter of opposition goes to the zoning commission. Thank you

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Tuesday, August 20, 2019, John Greichen <jgreichen@gmail.com> wrote:

Jeanne Marie,

I understand the first zoning meeting on the Waite's wharf hotel development is planned for August 26. I would attend to voice my negative opinion on the requested variances, but will be away on travel. I am not sure who to contact to register my view, so am reaching out to you. I fear Newport is losing its character with the significant ongoing and proposed waterfront developments.

Thank you,

John Greichen Jr
42 1/2 Harrison Ave

Pires, Stephanie

From: isidro.beccar@gmail.com
Sent: Sunday, August 18, 2019 9:43 AM
To: Pires, Stephanie
Subject: I support the hotel project in Lower Thames

I understand that people living off trust funds or government largesse don't grasp this concept very easily, but people that don't have access to such niceties (like myself) actually want the city grow and generate jobs.

If done with proper care (which I trust City Hall will always do) I support as many job generating initiatives as possible.

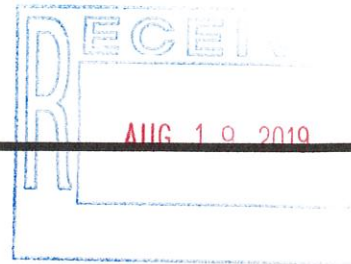
If people are willing to risk their capital coming here, let's make them feel welcome.

Regards,

Isidro Beccar Varela
Mann Avenue



Pires, Stephanie



From: Ben Riggs <rmcriggs@earthlink.net>
Sent: Friday, August 16, 2019 4:31 PM
To: Pires, Stephanie
Cc: kate leonard; Susan Taylor; Lynn Ceglie; Justin McLaughlin; Nicholson, Joseph; Jeanne-Marie Napolitano; Jamie Bova External; Angela McCalla
Subject: Petition of Harbor Realty LLC

I have resided on Harrington Street in Newport for 19 years. The petition of Harbor Realty LLC regarding variances to allow the building of a hotel on Waites Wharf to be heard on Monday, August 26th at 7 PM should be denied. The reasons are as follows:

- Delivery trucks for this hotel are planned to be routed directly through Harrington Street via Kirwins Lane via an access road they have already planned between Waites Wharf and Coddington, with many transiting at 6-7 AM. This is a long time residential neighborhood. They should not be permitted to put a public right of way through there anyway.
- There was a serious shutdown of natural gas last Winter in Newport due to insufficient gas supplies and delivery infrastructure that has never been corrected. We cannot support our existing community, much less a single additional hotel room. As of now, National Grid has still not told the Division of Public Utilities what they will do to prevent similar problems in the future. We should ask this applicant if they have any commitment from National Grid for a gas hookup.
- This is the same applicant who unlawfully blocked public access to the waterfront area for a number of years, and only a protracted lawsuit by area residents and the City finally forced them to comply. They will very likely block access again, resulting in more lawsuits.
- This applicant has also been the subject of numerous noise complaints from neighbors over the years. Permitting them to create a wedding/party venue there now would increase the problems significantly.

Benjamin Riggs
15 Harrington Street
Newport



Virus-free. www.avast.com

Constance N. Purcell
1708 Cypress Terrace Court
West Palm Beach, FL 33411
561/333-0205

August 13, 2019

Sent via US Mail & email
spires@cityofnewport.com

City of Newport
Office of Planning and Zoning
43 Broadway
Newport, RI 02840-2798

Re: Notice to Property Owners Within 200' Radius of
25 Waite's Wharf, 23 Coddington Wharf, et al.,
Newport, RI

Dear Sir or Madam:

I am in receipt of the above-referenced Notice to Property Owners. As an adjacent property owner I **STRONGLY OBJECT** to any such special use permit and/or variance to permit the demolition of existing structures and construction of a 150-room transient guest facility described in the attached notice, now or ever.

I regret that I will be unable to attend the meeting referenced in your Notice but ask that my objection be voiced and this letter be made a part of the record of these Public Hearings.

Thank you for your kind consideration, I remain

Sincerely,


Constance N. Purcell

CNP:wh

Enclosure

Pires, Stephanie

From: Ess Bear <essbear01@icloud.com>
Sent: Tuesday, August 13, 2019 8:04 PM
To: Pires, Stephanie
Subject: Please not another hotel!!

Dear Guy and Newport Zoning board,

Please, not another freaking hotel!!! Our updated sewerage plant cannot handle it, nor our community. What will happen to our local B & B's? They are already feeling the loss/impact from the Airbnb's taking their business and the loss of overnight stays that the yachting center used to attract. Also, do we really need another restaurant? No, we don't! It will take business away from the abundance of restaurants that are already here. Please just STOP the madness. You are directly responsible for the wellbeing of our community. We count on you to protect our immediate environment, please don't let us down again.

Sincerely,
Sandy Baer

Kind regard,
Sandy

Pires, Stephanie

From: Nancy Wyatt <nancybaybreeze12@cox.net>
Sent: Tuesday, August 13, 2019 8:25 PM
To: Pires, Stephanie
Subject: New Hotel

Hello,

I am very opposed to the new hotel scheduled to built. I believe Newport is putting money before the quality of our town. We are losing our little town to big business and the almighty dollar. Thames Street cannot accommodate the traffic associated with this proposed hotel. The new hotels going up on America's Cup are scary in size to say the least.

Please do not let the these big money out of town corporations use us for profit. They don't care about our town.

Nancy Wyatt

7 Elm Street

Waites Wharf Hotel

EXHIBIT A – Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	Lot 155 = 74,346 Lot 267 = 10,125 Lot 268 = 31,834 Lot 272 = 9,296 Lot 248 = 6,242 Lot 293 = 5,590	5,000	Merged North Lot = 84,471 Merged South Lot = 53,322
Lot Coverage	Lot 155 = 10.76% Lot 267 = 69.48% Lot 268 = 17.76% Lot 272 = 0.00% Lot 248 = 99.01% Lot 293 = 16.81%	40 %	Merged North Lot = 23.83% Merged South Lot = 20.37%
Dwelling Units	Lot 293 = 1 All other Lots = 0	27 (1 Dwelling/5,000 sq. ft.)	Merged North Lot = 0 Merged South Lot = 0
Parking (# of spaces)	100 +/-	264	266
Front Setback (ft.)	Lot 155 = 8.03' Lot 267 = 0' Lot 268 = 0' Lot 272 = N/A Lot 248 = 0' Lot 293 = .72'	0'	Merged North Lot = 13.97' Merged South Lot = 8.2'
Side Setbacks (ft.) West Side	Lot 155 = 0' Lot 267 = 0' Lot 268 = 78.43' Lot 272 = 0' Lot 248 = .68' Lot 293 = 69.12'	5'	Merged North Lot = 65' Merged South Lot = 25.77'
Side Setbacks (ft.) East Side	Lot 155 = 350' Lot 267 = 5.5' Lot 268 = 179.11' Lot 272 = 0' Lot 248 = .75' Lot 293 = 3.09'	5'	Merged North Lot = 61.54' Merged South Lot = 268.79'
Rear Setback (ft.)	Lot 155 = 33.05' Lot 267 = 0' Lot 268 = 1.94' Lot 272 = 0' Lot 248 = .35' Lot 293 = 18.42'	5'	Merged North Lot = 88.47' Merged South Lot = 13.70'
Height (ft.)	Lot 155 = 18' +/- Lot 267 = 22' +/- Lot 268 = 16' +/- Lot 272 = N/A Lot 248 = 19' +/- Lot 293 = 30' +/-	45' + 5' freeboard Measured from base flood elevation pursuant to Sec. 17.56.060 & RIGL 45-24-31 in effect at time of filing.	Merged North Lot = 49' Merged South Lot = 49'

Pires, Stephanie

From: merry preston <merry.preston@cox.net>
Sent: Thursday, August 29, 2019 3:15 PM
To: Pires, Stephanie
Subject: Ban on more hotels/development



Hello,

I have lived in Newport for eighteen years. Many good things have happened in these years. Now there is just way too much development occurring. Newport is losing its charm and lovely seaside appeal. Please deny Waite's Wharf and any further development until a more comprehensive plan is put in place. This should include utilities, water usage, sewage, traffic impacts, and shortage of gas on Island. As well as architectural design. Why are we pushing for more and more when we can not handle these issues already?

Sincerely,

Merry Preston
25 Walnut
Street
Newport

Pires, Stephanie

From: Victor Melfa Jr <vmelfa@melfawm.com>
Sent: Monday, August 26, 2019 10:36 AM
To: Pires, Stephanie
Subject: PLAT/LOT:35-146-3 TONITE

Importance: High



I am a resident at 16 Coddington Wharf. If this hotel is approved it will be very intrusive to the neighbors and not safe to pedestrians. There is no way for an easement to come through to Coddington. First of all this is the city walk way with many residents and tourists walking on the sidewalk which are already very narrow and can barely get an SUV through. The traffic on lower Thames where many residents live has become unbearable already and this location is not conducive at all to any type of hotel dwelling that will have to service so many new added people and vehicles. This will no doubt hurt the real estate value of properties as well as cause a major safety hazard for pedestrians.

Hotels like this need to be away from the residents, tight streets and tourist walks within the tight streets, i.e., the casino area.

Sincerely,
Victor Melfa
16 Coddington Wharf

Victor J. Melfa, Jr.

City of Newport

Office of Zoning & Inspections

Abutter Letter Invoice

43 Broadway
Newport, RI 02840

Name J. Russell Jackson
Address 122 Touro St
City, State Zip Newport, RI 02840

BALANCE DUE

Upon Receipt

\$315.10

Notes Harbour Realty, LLC Waites Wharf

Item Description	Quantity	Price Per	Total
Letters to abutters	137	\$2.30	\$315.10
		Subtotal	\$315.10
		Tax - 0%	\$0.00
		TOTAL	\$315.10

Mailed
8/22/19

City of Newport

MAR 30 2021

43 Broadway
Newport, RI 02840

Abutter Letter Invoice

BALANCE DUE

Upon Receipt

\$315.10

Notes Harbour Realty, LLC Waite's Wharf

[illegible]

City of Newport
Newport, Rhode Island 02840