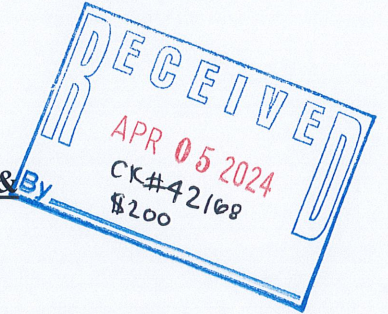


STATE OF RHODE ISLAND  
NEWPORT, S.C.

ZONING BOARD OF REVIEW  
CITY OF NEWPORT

IN RE: APPEAL OF WILLIAM F. VARR, III, VICTORIA A. MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Preservation Planner on the Application of John & Kathleen Trentos, applying to the property located at 93 Second Street, Tax Assessor's Plat 09, Lot 320.

**NOTICE AND CLAIM OF APPEAL**  
**OF**  
**WILLIAM F. VARR, III, VICTORIA A. MORRO & By**  
**CHRISTINE W. SMITH, TRUSTEE**  
**FROM AN ADMINISTRATIVE DECISION OF**  
**THE PRESERVATION PLANNER**



NOW COMES William F. Varr, III and Victoria A. Morro, owners of the property located at 95 Second Street, Tax Assessor's Plat 09, Lot 109; and Christine W. Smith, Trustee, owner of the property located at 91 Second Street, Tax Assessor's Plat 09, Lot 309, (hereinafter referred to as "the Appellants") hereby claiming an Appeal from that certain Administrative Decision of the Preservation Planner of the City of Newport on the Application for the approval of a modification to a Certificate of Appropriateness by John and Kathleen Trentos ("Appellees") for the construction of a new single family dwelling on the property located at 93 Second Street, Tax Assessor's Plat 09, Lot 320, (hereinafter, "The Decision").

The Decision was recorded on March 27, 2024 in Book 3189 at Page 63 of the City of Newport Land Evidence Records, a copy of which is attached hereto as "Exhibit A."

The Appellants aver that the Administrative Decision of the Preservation Planner was based on prejudicial error, clear error, was not supported by the weight of the evidence in the record, was beyond the scope of the authority granted under the Zoning Ordinance, and that the Preservation Planner's failure to submit the Trentos Application to the Historic District Commission for consideration deprived the Appellants the opportunity to voice concerns and

objection to the Application in a public hearing on the record. The grounds for this Appeal will be presented more fully at the time of the evidentiary hearing before the Zoning Board of Review and through a Memorandum which may be filed by the Appellants, as directed by the Zoning Board of Review.

Appellants have attached hereto as Exhibit B, a copy of the plat for the subject property, together with a list of the abutting property owners.

WHEREFORE, for the reasons stated herein, the Appellants respectfully request that their Appeal be Granted; that the Administrative Decision of the Preservation Planner be overturned; that a Certificate of Appropriateness be denied; and that the Zoning Board of Review grant all such other relief it may deem appropriate.

Appellants,  
By Their Attorneys,  
Miller Scott Holbrook & Jackson

Date: April 4, 2024

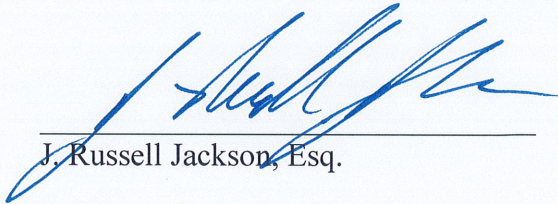


J. Russell Jackson, Esq. #5901  
122 Touro Street  
Newport, RI 02840  
Tel: 401-847-7500  
Fax: 401-848-5854  
[jrjackson@millerscott.com](mailto:jrjackson@millerscott.com)

**CERTIFICATION**

I hereby certify that I provided a copy of this document via electronic mail to counsel for the Appellees on this 4<sup>th</sup> Day of April, 2024.

Peter Brent Regan, Esq.  
Sayer Regan & Thayer, LLP  
130 Bellevue Avenue, Unit 2  
Newport, RI 02840  
[pregan@srt-law.com](mailto:pregan@srt-law.com)



J. Russell Jackson, Esq.

STATE OF RHODE ISLAND  
NEWPORT, S.C.

ZONING BOARD OF REVIEW  
CITY OF NEWPORT

IN RE: APPEAL OF WILLIAM F. VARR, III, VICTORIA A. MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Preservation Planner on the Application of John & Kathleen Trentos, applying to the property located at 93 Second Street, Tax Assessor's Plat 09, Lot 320.

## **EXHIBIT A**



THE CITY OF NEWPORT, RHODE ISLAND – AMERICA'S FIRST RESORT  
Department of Planning & Economic Development

John Trentos  
Kathleen Trentos  
93 Second Street  
Newport, RI 02840

March 26, 2024

Sent Via Email:  
[pregan@srt-law.com](mailto:pregan@srt-law.com)

RE: Certificate of Appropriateness Application No.: 2024-Apr-008  
Property: 93 Second Street Plat: 9 – Lot: 320  
Description of Proposed Work: Minor modification to a previously approved plan: 1 Remove detached shed and replace with a basement bulkhead 2) Reduce roof overhangs by 2" at east elevation and by 3" at north and south eaves to reduce overall square footage/lot coverage by 22.5 square feet 3) Reduce north side yard setback from 5' to 4.6' 4) Increase height from 29' 3 3/4" to 29' 9"

Dear Applicant:

The above-referenced application was approved administratively by the Preservation Planner on March 26, 2024. This approval is based upon the application's consistency with the Standards for treatment of historic properties, specifically Standards 17.80.060.C.1-3. Administrative approval for minor modifications to previously approved plans are permitted under the Historic District Commission Policy Statement on Staff Administrative Approvals. A minor modification is defined as "a revision to approved plans that is deemed to be minor in nature and not incongruous with all other approved elements of that plan."

The proposed alterations do not alter the applicable Standards for treatment of historic properties including:

17.80.060.C.1 Compatibility, defined as "New Construction and reconstruction shall be compatible with the surrounding historic area in terms of size, scale, siting, massing, set back, materials and details" because the modifications are an overall reduction in scale, siting, massing, set back, proposes an overall height increase of 5 1/4", and retain the approved materials and details. The changes result in an approximately 5" increase in setback, and less than 1.5% increase in height.

17.80.060.C.2 Architectural Quality, defined as "New Construction and reconstruction should be of thoughtful and considered architectural design" because the reduction in roof overhang, the increase in height, and the slight alteration of siting does not significantly impact the architectural quality.

17.80.060.C.3 Appearance, defined as "New Construction and reconstruction may clearly read as such and need not present a false historic appearance" because the removal of the rear shed and construction of a basement bulkhead do not negatively impact the overall appearance of the building.

This approval is valid for one (1) year from the date of approval, and may be extended for one (1) additional year if a written request is submitted and approved before the expiration of the original approval. Please retain this document for your records. Before beginning work, please obtain any required building permits from the Building Inspection's office.



THE CITY OF NEWPORT, RHODE ISLAND – AMERICA'S FIRST RESORT  
Department of Planning & Economic Development

Right to Appeal: Decisions of the Preservation Planner may be appealed within 10 days of the recording date of this letter. All appeals of Certificates of Appropriateness shall be filed with the Zoning Department.

Thank you,

A handwritten signature in blue ink that reads "Jillian Chin". The signature is fluid and cursive.

Jillian Chin  
Preservation Planner  
City Hall, 43 Broadway  
Newport, RI 02480  
Tel: 401-845-5415  
Email: [jchin@cityofnewport.com](mailto:jchin@cityofnewport.com)

Cc. Peter B. Regan, Authorized Representative

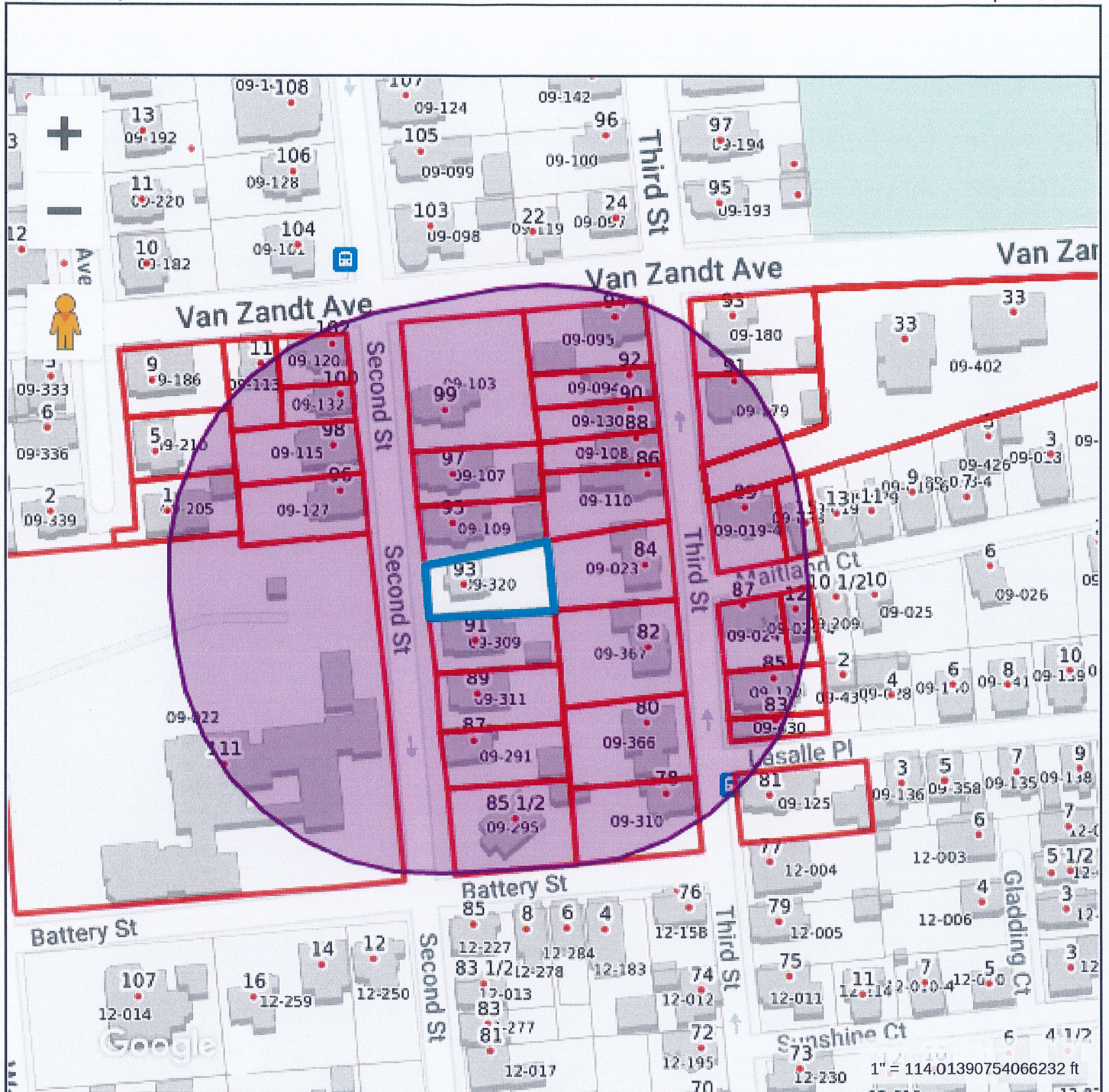
LAURA C SWISTAK  
CITY OF NEWPORT  
CITY CLERK  
Mar 27, 2024 12:17P  
BOOK: 3189 PAGE: 63

STATE OF RHODE ISLAND  
NEWPORT, S.C.

ZONING BOARD OF REVIEW  
CITY OF NEWPORT

IN RE: APPEAL OF WILLIAM F. VARR, III, VICTORIA A. MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Preservation Planner on the Application of John & Kathleen Trentos, applying to the property located at 93 Second Street, Tax Assessor's Plat 09, Lot 320.

## **EXHIBIT B**



**Property Information**  
 ID 09-320  
 Location 93 SECOND ST  
 Owner



**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

City of Newport, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



09-019-4  
ALFIERI THOMAS &  
ALFIERI JOANNE  
111 CICCIO RD  
SOUTHINGTON, CT 06489

09-022  
HARBOR HOUSE OWNER LLC  
50 WASHINGTON SQ  
NEWPORT, RI 02840

09-023  
HICKS GEORGE B &  
SHEETS KATHY M  
84 THIRD ST  
Newport, RI 02840

09-024  
DRAGON ALBERT L-TRUSTEE &  
CRISOSTOMO MIRTHA-TRUSTEE  
87 THIRD ST  
NEWPORT, RI 02840

09-024-4  
SMITH JULIET H  
12 MAITLAND CT  
Newport, RI 02840

09-093  
RANDOLPH AND ELKE BROWNING REV  
TRUST  
BROWNING ELKE G-COTRUSTEE 2562 PLAYERS CT  
WELLINGTON, FL 33414

09-094  
STOCKER CRAIG ALLAN JR  
92 THIRD ST  
NEWPORT, RI 02840

09-095  
FRONGILLO THOMAS C &  
FRONGILLO MARGARITA  
224 HINKLEY RD  
MILTON, MA 02186

09-103  
ISLAND ASSOCIATES INC  
1015 AQUIDNECK AVE  
MIDDLETOWN, RI 02842

09-107  
BARDORF DIANA MIGNATTI  
18 CHESTNUT ST  
NEWPORT, RI 02840

09-108  
WEAVER KURT MICHAEL  
14 GORDON DR  
EASTON, PA 18045

09-109  
VARR WILLIAM F III & MORRO VICTORIA A  
95 SECOND ST  
Newport, RI 02840

09-110  
MORGAN ELIZABETH A &  
CANNING ROBB J  
4 AVERY WAY  
SIMSBURY, CT 06070

09-113  
KIRSCH MASON  
322 RUNNYMEDE RD  
ESSEX FELLS, NJ 07021

09-115  
SPOHN JOHN C &  
SPOHN, GAMSE JILL  
209 UNIVERSITY AVE  
PROVIDENCE, RI 02906

09-120  
NORTON HUNTER &  
NORTON ANNETTE  
8 APPLGATE LN  
MONROE, CT 06468

09-122  
RICHARD ALLEN KARLOVICH LIV TR  
DONNA LEE KARLOVICH LIV TR  
85 THIRD ST  
Newport, RI 02840

09-125  
DORFMAN AVRAM G  
81 THIRD ST #2  
NEWPORT, RI 02840

09-127  
FERRARO ANNE M  
96 SECOND ST  
NEWPORT, RI 02840

09-130  
REINHARDT MATTHEW P &  
REINHARDT JULIA NOELLE  
90 THIRD ST  
NEWPORT, RI 02840

09-132  
WRYE WALTER CLARK IV  
PO BOX 577  
LINCOLN, NH 03251

09-179  
HYMAN KEVIN  
TAGLIABUE MARK  
91 THIRD ST  
Newport, RI 02840

09-180  
GLEESON BERNADETTE A TRUST  
GLEESON BERNADETTE A-TRUSTEE  
23 DOVER CIR  
FRANKLIN, MA 02038

09-186  
BARTLETT BRUCE T  
MIRIAM J  
9 BAYSIDE AVE  
NEWPORT, RI 02840

09-205  
HOPKINS SIMON DOROTHY A  
1 BAYSIDE AVE  
NEWPORT, RI 02840

09-210  
PLEASANT PROPERTIES LLC  
1 BAYSIDE AVE  
NEWPORT, RI 02840

09-291  
KEOUGH MAUREEN B  
87 SECOND ST  
NEWPORT, RI 02840

09-295  
SAUNDERS ROBERT A  
DEBRA A  
85 1/2 SECOND ST  
NEWPORT, RI 02840

09-309  
CHRISTINE W SMITH TRUST 2019  
SMITH CHRISTINE W -TRUSTEE  
91 SECOND ST  
NEWPORT, RI 02840

09-310  
FRAIOLI ALEXANDER VINCENT  
78 THIRD ST  
Newport, RI 02840

09-311  
WAUGH JILLIAN BERMENDER  
89 SECOND ST  
NEWPORT, RI 02840

09-366  
PRESTON MARK W  
MELANIE A  
80 THIRD ST  
NEWPORT, RI 02840

09-367  
ZAMMER KENNETH  
82 THIRD ST  
NEWPORT, RI 02840

09-430  
DRISCOLL PATRICK S  
251 FERN RIDGE  
LANDENBERG, PA 19350

09-402  
DELAMERE STEPHEN J &  
DELAMERE TARA M  
8 WINNECUNNET WAY  
S EASTON, MA 02375

09-402  
NOVICK ALYSON F FKA ALYSON F ROGERS &  
NOVICK, ROBERT R  
278 RESERVOIR RD  
MIDDLETOWN, RI 02842

09-402  
DALY LISA I.  
33 VAN ZANDT AVE UNIT 3 POINTE PLACE CONDO  
NEWPORT, RI 02840

09-402  
SHAY EDWARD J  
33 VAN ZANDT AVE 4  
NEWPORT, RI 02840

09-402  
PUGLIESE MICHAEL  
FLYNN JENNIFER  
33 VAN ZANDT AVE, Unit 5  
Newport, RI 02840

09-402  
VANDERVEER SARAH A  
33 VAN ZANDT AVE UNIT 6  
NEWPORT, RI 02840