Stephanie Guinan

15 South Baptist St

Newport, RI 02840

RECEIVED
$200.-
AUG 12 2022
CK# 1095

ZBR Sept. -1

August 11, 2022

Dear Zoning Board of Review Members:

Samuel Goldblatt, Chair

Bart Grimes, Russell Johnson, David Riley, Wick Rudd

Susan T. Perkins 1st Alternate and Nichole Shevoy 2nd Alternate

Guy Weston Zoning Officer

Gerard Galvin Assistant City Solicitor

Quite coincidently, I am writing a letter exactly a year after my last letter.

This pertains to two different Zoning Permits granted to John R. McCarthy who resides at 19 South Baptist St. Newport, RI.

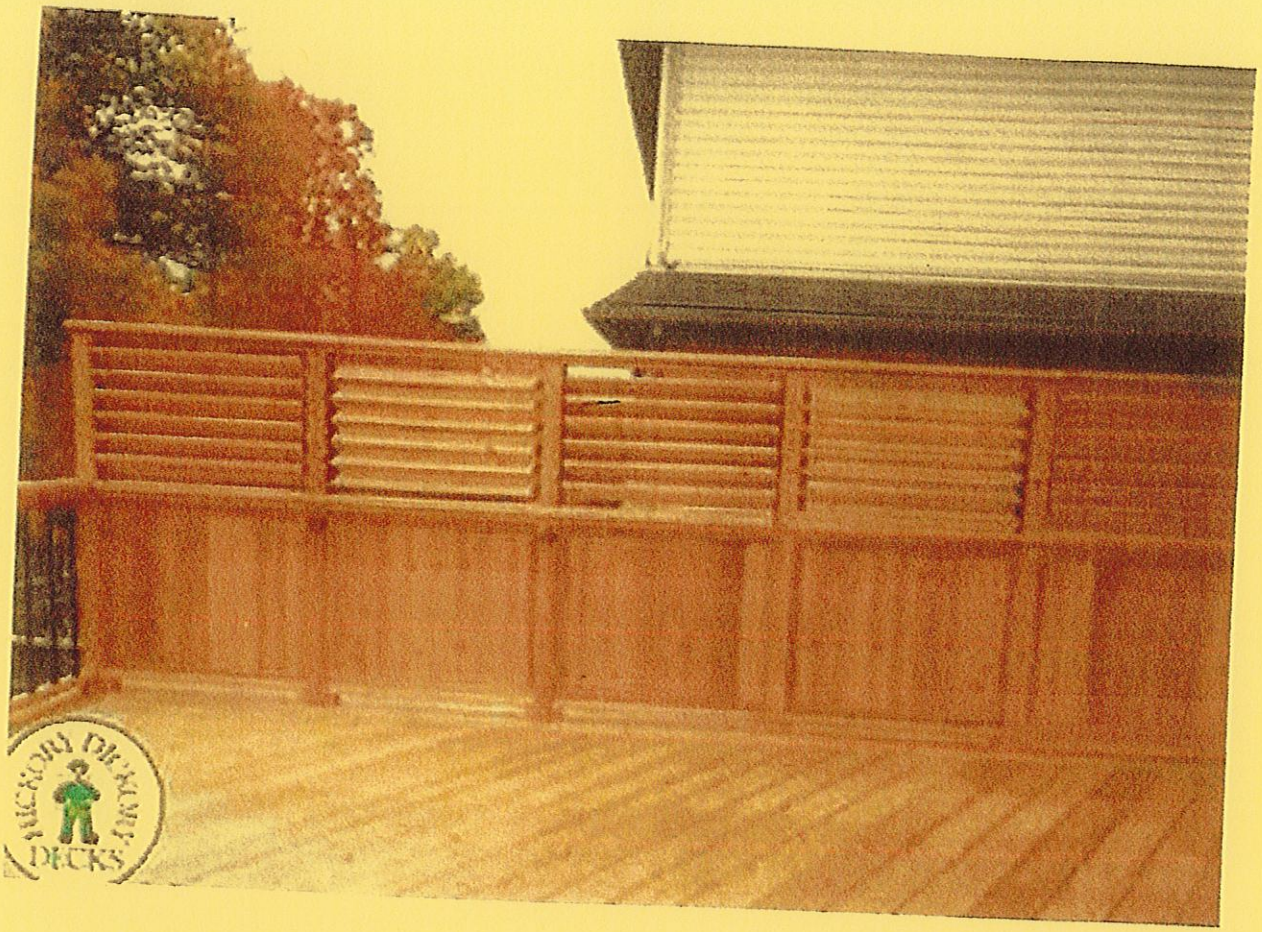
The first issue concerns the granted application on November 2020 to construct a second floor deck with the stipulation that a privacy wall/ barrier be constructed on the west side of the deck and any lighting would be covered. This deck is 12 feet from my bedroom and bathroom windows. See previous letters written to you and left unanswered in the following 40 pages. This past Saturday at 11:30 I was awakened by the Owner and 3 of his Air BnB Guests he was entertaining on the deck with the bright uncovered lights. If such a privacy wall was installed as per the application, the noise level wouldn't be as bad and I wouldn't be able to see them. I do not recall that double door sliders were requested which increase my lack of privacy, this was never on the plan presented to me. I thought he was replacing the existing window with a door.

The second issue is the granting of a short term rental permit for the same property AFTER the City Council voted to deny short term rentals in a residential district. There were objectors to this application also. I was assured this application would not be approved due to the objectors and the City Council's ruling. I remember a comment made by a board member: " He doesn't look like the kind of guy who has wild parties" . Really ? What do guys like that look like? Wild or not, 4 people at Midnight, who have been drinking for hours, 12 feet from my bedroom window in the Summer with my windows open , is not ok. These were his weekend Air BnB guests that he invited up to his apartment when they came back from town!

The only response I have received from my complaint from over a year ago is: a verbal " Hire a Lawyer" . I am not going to spend money on a Lawyer to enforce your zoning codes and decisions. I asked you a year ago to inform him that his railing choice was not what was approved by the neighbors (approved wooden solid wall with slanted louver top) picture enclosed. And he needs to remove the uncovered lights.

Please respond please, I have waited long enough, this deck railing needs to be what was presented to me back in 2020 in order for me to drop my objection.

Stephanie Guinan



submitted w/
Application
and presented to
abutters for approval

Privacy railing/ screen full west side
minimum 54" ht
4'6" high

6

pg 6 of application

Double DOOR Sliders NOT part of the application This further Reduces my Privacy 8/6/22

Aug 6, 2022
Entertaining
AirbNb
Guests
@ 11:30
PM
for an
hour!
woke
me up

Lights
not
Covered
or
Screened

Blurry
From a
Video
taken

Stephanie Guinan

15 South Baptist St

Newport, RI 02840

August 11, 2021

Dear Member Past and Present of the Newport Zoning Board of Review

I am requesting that the Permit granted to John McCarthy on December 14, 2020 to add a deck be reviewed and note that the approved Privacy Screening was not installed and so he is in violation of the approved Zoning Variance.. I am asking that John McCarthy remove the west side perforated plastic semi-screen and then to install a solid wooden wall as presented with the Zoning Application (page 6 of Application).

I was also not made aware of additional glass sliding doors to be added which further reduces my privacy. This was not on the drawings nor on the plans as presented in the Application. He can either remove the glass doors or raise the privacy wall another 3 feet. I would like the current railing height measured by a Building Official.

I am requesting that John McCarthy remove the string lighting also specifically forbidden in the approval.

I am including all correspondence related to the deck and broken promises.

I await your reply and decision. 40 Pages in this file

Thank you,

Stephanie Guinan

From: Stephanie Guinan
Sent: Wednesday, August 4, 2021 2:08 PM
To: Guy Weston (gweston@cityofnewport.com); Peter Regan
Subject: FW: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)
Attachments: 19 South Baptist Street Second Amended Zoning Application 10.20.20.pdf; 19 South Baptist St. Site Plan_RevL.xlsx

Guy,
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Peter, I know you are no longer representing John McCarthy, but was the picture of the proposed privacy railing a part of the package you gave the Zoning Board ?

Stephanie Guinan
15 South Baptist St
Newport, RI 02840
401-965-8433

From: Peter Regan <PRegan@srt-law.com>
Sent: Friday, November 20, 2020 4:05 PM
To: Guy Weston (gweston@cityofnewport.com) <gweston@cityofnewport.com>
Cc: Stephanie Guinan <sg@stephanieguinan.com>; Kate W. Haakonsen <khaakonsen@bpslawyers.com>
Subject: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

Dear Guy:

We have reached an agreement with the two abutters to 19 South Baptist Street to resolve their objections. My client has agreed to reduce the size of the structure to 8.75' by 22', and has agreed to several conditions, as set forth below and in the Second Amended Application and revised plan attached hereto. The revised plan reduces the size of the proposed deck/carport by approximately 45%, from 352 SF to 192.5 SF, and reduces the proposed increase in lot coverage by 45.5%, from 10.1% to 5.5%.

In addition, my client has agreed that following will be included as conditions on any approval:

- The overall size of the deck/carport structure shall be limited to no more than 8' 9" by 22';
- The size of the seating area of deck, excluding railings, shall be no more than 182 square feet;
- A privacy railing/screen with a minimum height of 54" shall be permanently installed for the full length of the west side of the deck;

- The existing outdoor lighting on the 1st and 2nd floors in the area of the proposed deck/carport shall be permanently removed; and
- All new lighting shall be screened from the abutting properties.

Please contact me with any questions.

Best,

Peter

Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
Phone: 401-849-3040 Ext. 215 Fax: 401-849-4330

Helping you meet challenges and seize opportunities

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minimum 54" ht
Privacy railing/ 4'6" high
screen full west side

6

Page 6 of
Zoning Application
John McCarthy
19 South Baptist

Dec 14, 2020

Stephanie Guinan

From: Stephanie Guinan
Sent: Thursday, July 22, 2021 7:01 PM
To: Guy Weston (gweston@cityofnewport.com); Peter Regan; SPires@CityofNewport.com
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject: FW: 19 South Baptist St Deck
Attachments: Photo_2021-07-22_154010.jpg; 20210721_183407.jpg; 20210722_151440.jpg; Zoning Board Approval Dec 14, 2021.pdf

TO: Guy Weston
Peter Regan
Stephanie Pires

I am writing to tell you that the approved privacy screening was not installed on the deck at 19 South Baptist by John McCarthy. He is in violation of the approved Zoning Variance. The first picture shows the Privacy Screening which was provided to me last Fall and I approve it. It is clearly wooden, and fitting for the homes in this area.

The second Photo shows what was installed yesterday ! Plastic Pierced Panels, not an appropriate style for 1800's homes in our neighborhood. I brought this to your attention in May when open plastic coated railings were installed .
According to Land Use Policy LU-1.7 The City shall protect the existing character of existing character of residential neighborhoods while encouraging local neighborhood business.
This " Privacy Screen" looks more appropriate for Florida not Newport. It is nothing like the example I was shown. See the second and third attached photos.

Zoning approval copy in fourth attachment

I would like attention paid to this violation ASAP.

Thank you so much !

Stephanie Guinan
15 South Baptist St
Newport, RI 02840
401-965-8433

Stephanie Guinan

From: Stephanie Guinan
Sent: Monday, July 26, 2021 6:37 AM
To: Guy Weston (gweston@cityofnewport.com); Peter Regan; SPires@CityofNewport.com
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject: FW: 19 South Baptist St Deck
Attachments: Photo_2021-07-22_154010.jpg; 20210721_183407.jpg; 20210722_151440.jpg; Zoning Board Approval Dec 14, 2021.pdf; DEck Lights.jpg

Good Morning,
As an update, it seems John McCarthy does not want to follow Zoning guidelines pertaining to the deck approval. Please see the last photo of the deck lights he installed on Saturday.

Please let me know what you plan to do.

Stephanie Guinan
15 South Baptist St
Newport, RI 02840
401-965-8433

From: Stephanie Guinan
Sent: Thursday, July 22, 2021 7:01 PM
To: Guy Weston (gweston@cityofnewport.com) <gweston@cityofnewport.com>; Peter Regan <PRegan@srt-law.com>; SPires@CityofNewport.com
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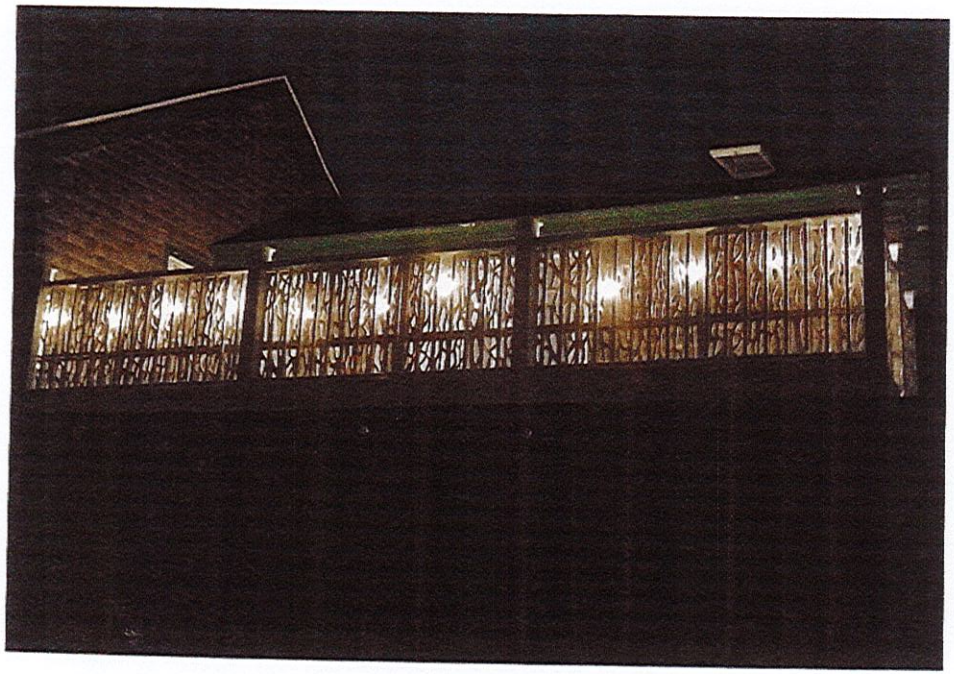

Stephanie Guinan

From: Stephanie Guinan
Sent: Friday, August 6, 2021 6:30 AM
To: Peter Regan
Cc: Guy Weston (gweston@cityofnewport.com); Pires, Stephanie; Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject: FW: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)
Attachments: 19 South Baptist Street Second Amended Zoning Application 10.20.20.pdf; 19 South Baptist St. Site Plan_RevL.xlsx

Peter, this is a simple question...Yes or No Did you include the picture of the wooden privacy wall with your presentation to the Zoning Board for John McCarthy's deck ?

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Subject: FW: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

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AMENDED COMBINED APPLICATION FOR SPECIAL USE PERMIT & A REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: October 20, 2020

Board Members:

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and a 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.: 19 South Baptist Street

Tax Assessor's Plat 32 **Lot** 186

Petitioner Information

Applicant: John R. McCarthy
Owner: Same
Lessee: N/A

Address: 19 South Baptist Street
Newport, RI 02840
Address: Same
Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 36 ±'; **Depth:** 90' ±; **Area:** 3,485 sq. ft. ±

Zoning District in which premises is located: R-10

How long have you owned above premises? 18 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 924 SF

Total square footage of the footprint of proposed buildings: 1,144 SF

Present use of premises: Two Family Residence

Proposed use of premises: Two Family Residence

All of the following information and questions must be filled in and answered completely: Give extent of proposed alterations:

Applicant seeks a special use permit and dimensional variances for permission to construct a 10' by 22' second level deck, which will increase lot coverage from 26.5% to 32.8% (20% allowed), with a sideyard setback from the west property line of 12' (20' required), applying to the property located at 19 South Baptist Street and identified as Lot 186 on Plat 32 in the R-10 Zone. The deck will also serve as a carport. All work will be done within the existing setbacks.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,484 SF	10,000 SF	No Change
Lot Coverage (%)	26.5%	20%	32.8%
Dwelling Units	2	2	No Change
Parking	4	4	No Change
Front Setback	0'	15'	No Change
Side Setbacks	0' & 12'	10'	No Change
Rear Setback	46.7'	20"	No Change
Height	20' ±	30'	No Change

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

Land Use 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.

Land Use Policy LU-1.7: The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

Housing Goal H-1: To preserve and protect existing housing resources in the community.

Housing Policy H-1.3: The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

Housing Goal H-3: To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.

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

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?

At 3,485 square feet, the subject lot is extremely small and is only 34.8% of the size required in the R-10 Zone. In addition, it is a narrow lot with only 36' of frontage, thereby creating a narrow building envelope. While the existing two family house is modestly sized, it is built within the front setback and the east side setback. As a result, any alteration to the structure requires zoning relief.

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 relief requested is necessary for the full enjoyment of a permitted use. Denial of the application would deprive the Applicant, who resides in the second floor unit, of the ability to provide a small area of outdoor living space and covered storage for his car. The proposed deck will provide access to the outdoors from the kitchen. In addition, the Applicant's plan includes a railing design that will ensure privacy for the neighbors and will be a minimum height of 54" high, as shown on the attached plan.

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

As noted, this is an extremely small lot, which is only 34.8% of the size required in the R-10 Zone. In addition, with only 36' of frontage, it has a very narrow building envelope, and the existing house is built within the front setback and side setbacks. As a result, *any* alteration to the structure requires zoning relief.

This Amended Application reduces the size of the proposed deck by 37.5%, from 352 SF to 220 SF, and reduces the proposed increase in lot coverage by 36.6%, from 10.1% to 6.3%. The proposed lot coverage of 32.8% is less than the average lot coverage of the abutting properties.

Lastly, the proposed deck will serve a dual purpose as a carport, as the lot does not have a garage.

The Zoning Board's 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.

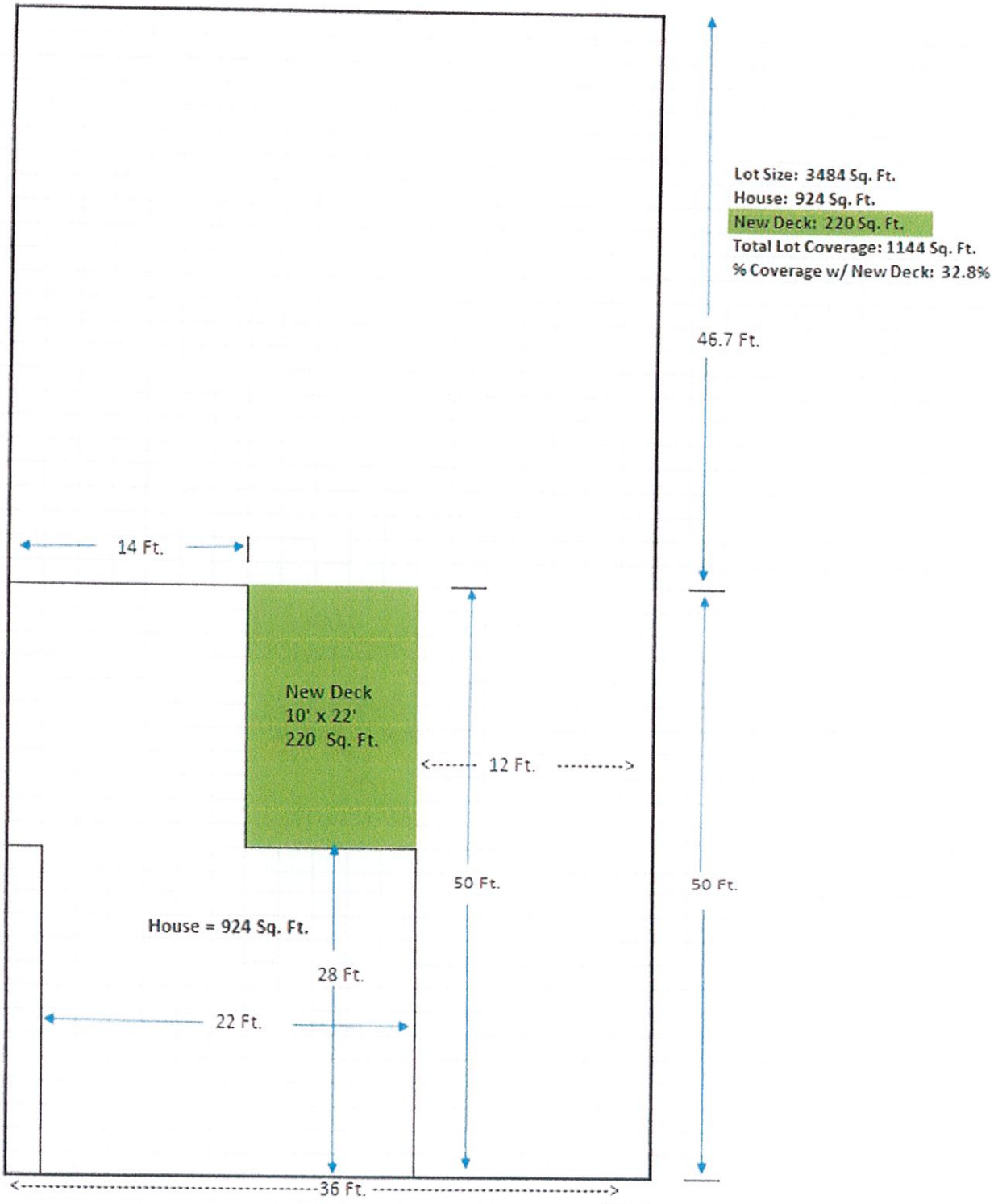
The burden of proof in a special-use permit/variance application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit/variance has been met, the board must deny the application.

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".

John R. McCarthy,
By His Attorney,

Peter Brent Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com

Per Vision Appraisal: Lot Size = 0.08 Acres = 3484 Sq. Ft.



HICKORY DICKORY
DECKS

INST: 00132635
BK: 2947 PG: 172

STATE OF RHODE ISLAND
NEWPORT SC

ZONING BOARD OF REVIEW
CITY OF NEWPORT

In Re: PETITION OF JOHN R. MCCARTHY

SUMMARY DECISION

This matter was heard in an abbreviated summary hearing on November 23, 2020, on the Petition of John R. McCarthy, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a a 8' 9" by 22' second level deck, which will increase lot coverage from 26.5% to 32% (20% allowed), with a sideyard setback from the west property line of 13' (20' required), applying to the property located at 19 South Baptist Street and identified as Lot 186 on Plat 32 in the R-10 Zone. Peter Brent Regan, Esq. of Sayer Regan & Thayer, LLP represented the applicant at the hearing. No persons appeared at the hearing for the purpose of objecting to the Petition

Mr. Regan advised the Board that the Applicant had: (a) filed an amended application which reduced the size of the proposed deck by approximately 45%; and, (b) agreed to five conditions of approval requested by abutters to the west, which were read into the record.

Adopting the Petition and the representations therein, the plans filed with the Petition, the Staff Report and the representations of Counsel as the Board's findings of fact, there was a showing that all elements of the required special use permit and dimensional variance standards as contained in the Zoning Code were satisfied.

On motion duly made and seconded, the Board voted 5-0 to Grant the Petition. The Petition having been received the concurring votes of four members of the Board as required, it was accordingly granted, subject to the conditions that: (1) the overall size of the deck structure shall be limited to no more than 8' 9" by 22'; (2) the size of the seating area of deck, excluding railings, shall be no more than 182 sq. ft.; (3) a privacy railing/screen with a minimum height of

54" shall be permanently installed for the full length of the west side of the deck; (4) The existing outdoor lighting on the 1st and 2nd floors in the area of the proposed deck shall be permanently removed; (5) all new lighting shall be screened from the abutting properties; (6) the project be substantially completed within twelve (12) months of the date of Decision; and, (7) that any advertising costs be paid in full before the decision is recorded. Members voting to approve were Chuck Allott, Bart Grimes, Russell Johnson, Samuel Goldblatt and David Riley.

Guy Weston, Zoning Officer
Clerk, Newport Zoning Board of Review

Prepared by:

Peter Brent Regan (# 3421)
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue, Unit 2
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com

LAURA C SWISTAK
CITY OF NEWPORT
CITY CLERK
Dec 01,2020 01:38P
BOOK: 2947 PAGE: 172

LAURA C SWISTAK
CITY OF NEWPORT
CITY CLERK
Dec 01,2020 01:38P
BOOK: 2947 PAGE: 172

Stephanie Guinan

From: Peter Regan <PRegan@srt-law.com>
Sent: Tuesday, November 3, 2020 6:01 PM
To: Stephanie Guinan; khaakonsen@bpslawyers.com
Subject: 19 South Baptist Street
Attachments: 19 South Baptist St. Site Plan_Rev 11.3.20.xlsx; Car Port Details.xlsx; IMG_5432 (002).JPG

Dear Stephanie & Kate:

Following up on my email last week, I have attached revised plans for your review. John has remeasured the area of the deck/car port and is proposing to further reduce of the size of the occupied area of the deck.

As you can see from the plans and the attached photograph, there is a basement bulkhead located below the proposed deck. This decreases the useable length of the carport by at least 6' 7". As a result, John would like to keep the length of the carport at 22', to provide at least 15' of coverage for the vehicle. By way of comparison, the size of a standard parking space in Newport is 9' by 18', and the size of a compact space is 8' by 16'.

As proposed, the carport/deck would measure 9' 9" by 22'. However, John is proposing to reduce the size of the seating area of the deck to 9' 5" by 19' 8", as shown on the plan. This would reduce the square footage of the seating area to 185 square feet. That's 16% smaller than the previous plan at 220 square feet, and 47% smaller than the original plan. He would also maintain the privacy railing at a minimum of 54" high for the full length of the structure, remove the current outdoor lighting on the first and second floor and agree that any new lighting will be shielded from your properties.

To recap, John would agree that the following condition be included in any zoning approval:

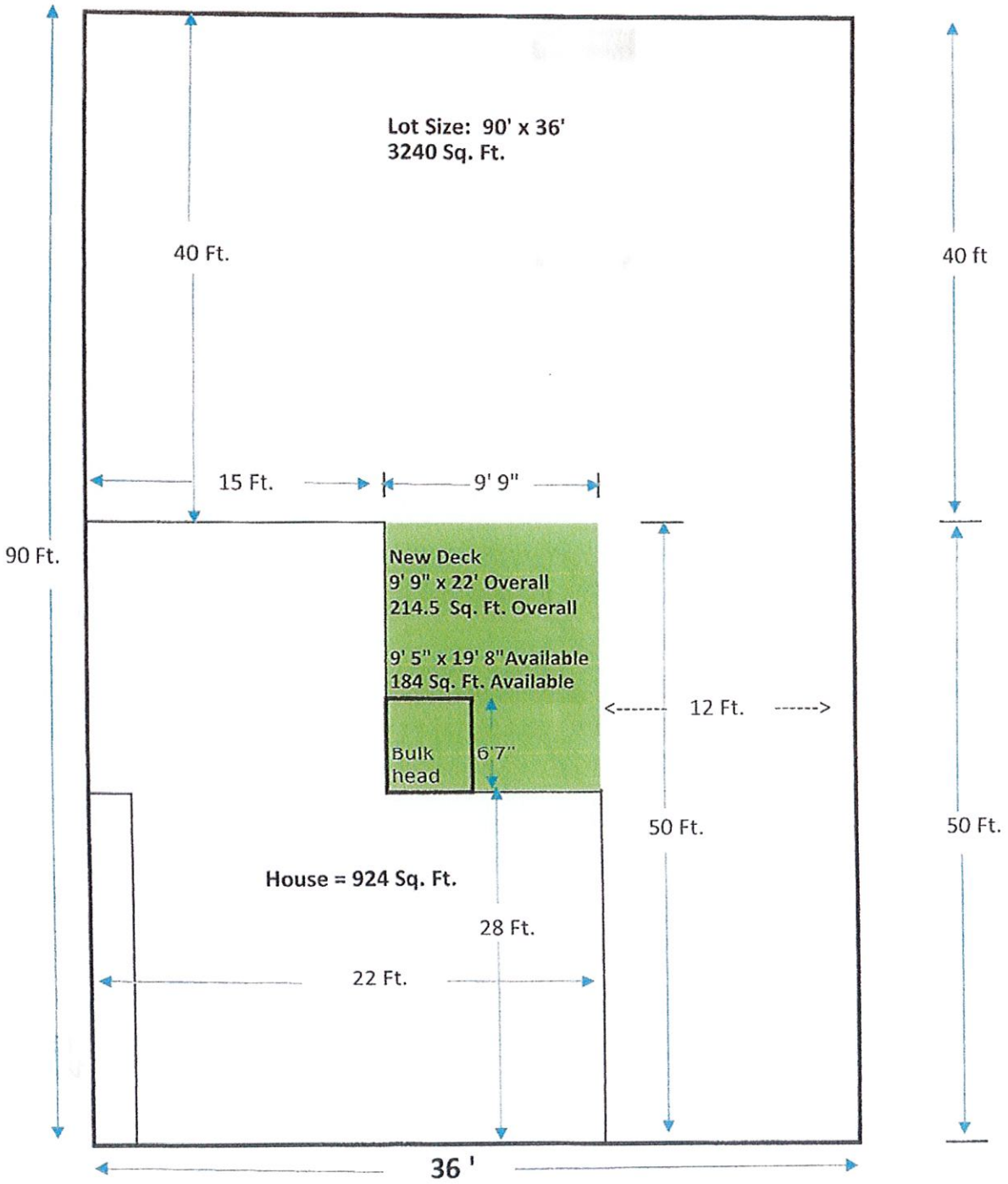
- The size of the carport will be limited to 9' 9" by 22';
- The size of the seating area of deck shall be no more than 185 square feet;
- A privacy railing/screen with a minimum height of 54" shall be installed the full length of the west side of the deck;
- The existing outdoor lighting on the 1st and 2nd floor in the area of the proposed deck/carport shall be removed;
- All new lighting shall be screened from the abutting properties.

I believe this is a reasonable plan and addresses your concerns. Please get back to me once you've had a chance to review. Lastly, please note that Zoning Board continued hearing on the application to a special meeting on November 12, 2020.

Thanks.

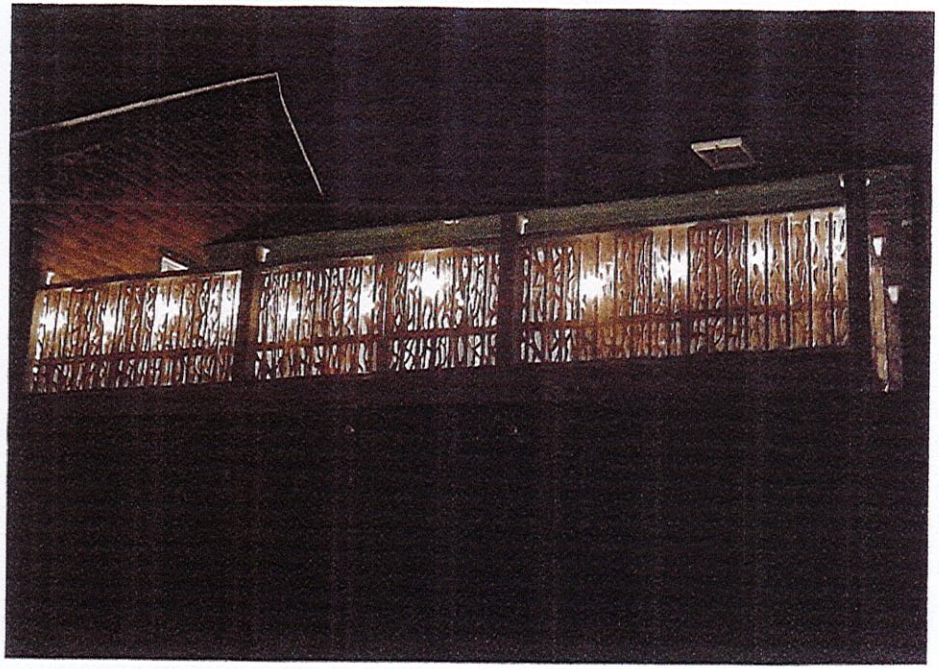
Peter

Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
Phone: 401-849-3040 Ext. 215 Fax: 401-849-4330


Lot Size: 90' x 36'
3240 Sq. Ft.
40 Ft.
40 ft
15 Ft.
9' 9"
90 Ft.
New Deck
9' 9" x 22' Overall
214.5 Sq. Ft. Overall
9' 5" x 19' 8"Available
184 Sq. Ft. Available
12 Ft.
Bulk head
6'7"
50 Ft.
50 Ft.
House = 924 Sq. Ft.
28 Ft.
22 Ft.
36 '

minimum 54" ht
Privacy railing/ 4'6" high
screen full west side

this is what the objectors approved



Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, December 14, 2020, via the Zoom meeting platform at 7:00 p.m.

PRESENT: Chuck Allott, Acting Chair
Bart Grimes, Actinc Secretary
Russell Johnson
David Riley
Samuel Goldblatt

Guy Weston, Zoning Officer
Girard Galvin, Assistant City Solicitor
Nancy Caron, Stenographer, Allied Court Reporters

ABSENT: Wick Rudd
Robert Buzard

DECISIONS

A motion to approve the PETITION OF JEFFERY MARLOWE & NANCY SPERONI, applicants and owners; for a special use permit and a variance to the dimensional and off-street parking requirements to construct a third floor addition to house a second dwelling unit, (new dwelling unit not allowed), which will be located .5' from the north property line, (5' required), and provide 0 additional off-street parking spaces, (2 additional off-street parking spaces required), applying to the property located at 113 Memorial Blvd. West, TAP 27, Lot 83, (GB zone) A motion was made by Mr. Johnson, seconded by Mr. Grimes. The motion was unanimously approved with conditions the project be started and substantially completed within twelve (12) months of the date of the decision, that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of that decision. With conditions there be no 2nd kitchen and no 2nd unit on the 3rd floor of the property.

A motion to approve the PETITION OF PATRICK & DEBORAH DONOVAN, applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission to convert the 2nd dwelling unit into a 3-bedroom guesthouse and provide 0' additional off-street parking spaces, (3 additional non-stacked parking spaces required), applying to the property located at 30 Harrison Ave., TAP 41, Lot 66, (R-10 zone). A motion was made by Mr. Johnson to approve, there was discussion and a vote. Mr. Goldblatt & Mr. Allott both voted no and Mr. Johnson, Mr. Grimes and Mr. Riley all voted yes. The petition was denied as it did not have 4 board member votes.

A motion to approve the PETITION OF JOHN McCARTHY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to

construct a 16' x 22' second level deck which will be located 6' from the west property line, (10' required), and which will increase the lot coverage from 27% to 37%, (20% allowed), applying to the property located at 19 South Baptist St., TAP 32, Lot 186, (R-10 zone). A motion to approve the amended petition which will increase the lot coverage from 26.5% to 32% was made by Mr. Johnson, seconded by Mr. Grimes.A roll call vote was conducted and all five members approved this petition with conditions it be started and substantially completed within twelve (12) months and all invoices from abutter notices be paid before recording the decision. Other conditions include privacy screening, light removed and lighting screened. Peter Regan was the attorney representing the applicant and Peter will write the decision.

The following petitions were approved as abbreviated summary:

PETITION OF EARL & NANCY POWELL, applicants; FANTASY ROCK, LLC, and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 34' x 30' detached, 2-1/2 story, garage/guest suite with deck connecting bridge which will be located 0' from the south property line, (75' required), and which will increase the lot coverage from 7% to 9%, (8% allowed), applying to the property located at 1 Highland Pl., TAP 41, Lot 320, (R-120 zone).

PETITION OF ROSS TRETHEWEY; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new covered front porch which will be located 3.33' from the north property line, (10' required), and which will increase the lot coverage from 40% to 44%, (20% allowed), applying to the property located at 36 Second St., TAP 12, Lot 280, (R-10 zone).

PETITION OF SUSAN TOTH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 23' x 11' second floor deck which will be located 3' from the north property line, (10' required), applying to the property located at 12 Lincoln St. TAP 19, Lot 116, (R-10 zone).

The following petitions were continued to a regular meeting of December 17, 2020:

PETITION OF JAMES PIZZARUSO & LYN MURRAY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-1/2 story, single-family dwelling on an existing vacant lot which will be located 12' from the north property line, (15' required), 4.5' from the east property line, (10' required), and 17.4' from the south property line, (20' required). Said structure to have a lot coverage of 29%, (20% allowed), applying to the property located on 0 Vicksburg Pl., TAP 13, Lot 2, (R-10 zone).

PETITION OF DEREK SAVAS, ET ALS, applicants and owners, for a special use permit to the dimensional requirements for permission to convert the existing 1,584 sq. ft., professional office space into a residential unit, applying to the property located at 359 Thames St., TAP 27, Lot 158, Units UFG, (WB zone).

August 11, 2021

To : Newport Zoning Board of Review

RE: The Approval of John McCarthy for a special Use Permit to construct a deck, approved December 14, 2021 at 19 South Baptist

The following pictures 3 show how the contractors cleaned up pounds of plastic dust created from cutting pieces on the table saw taken on July 21, 2021

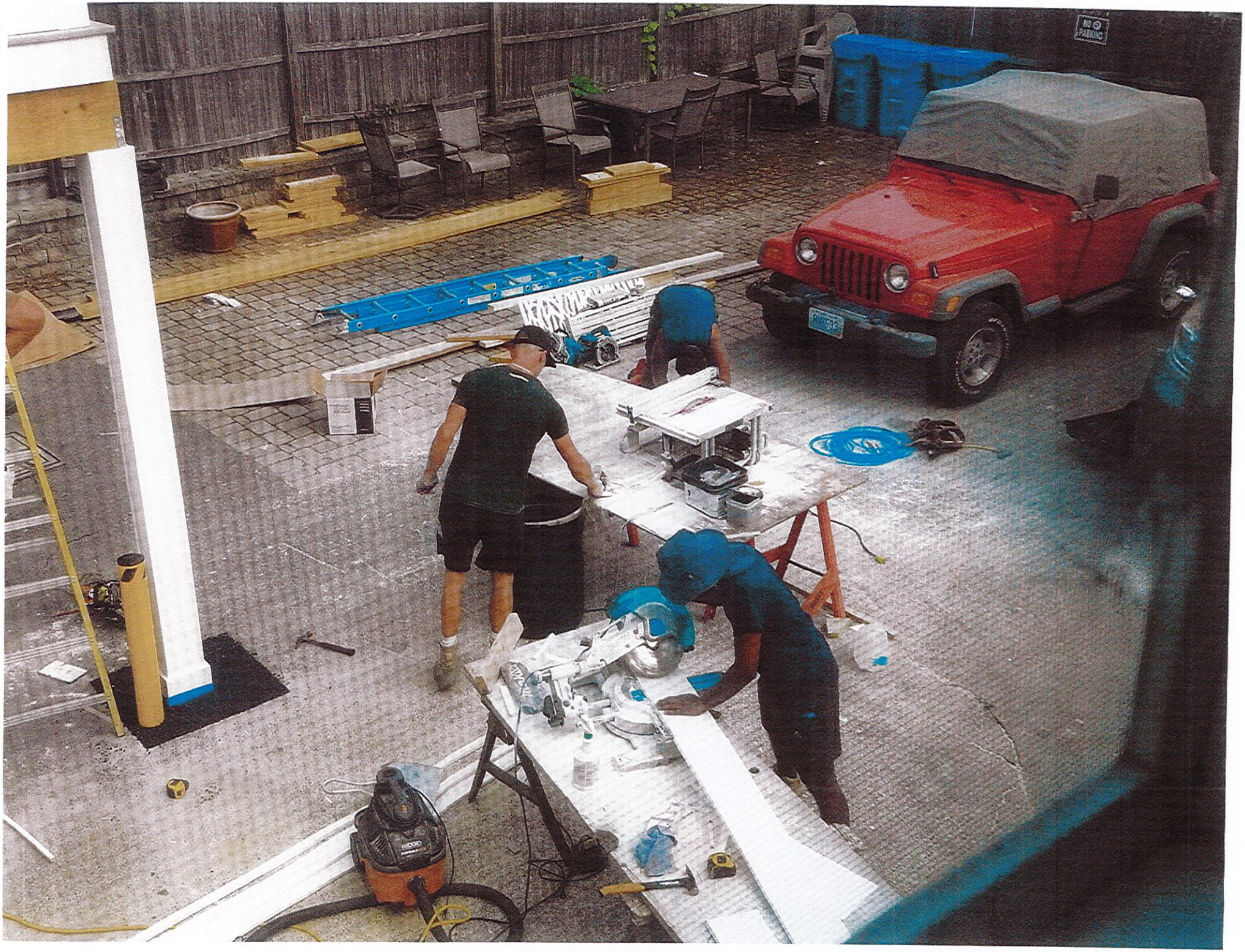
Blew it all over the area with a leaf Blower !

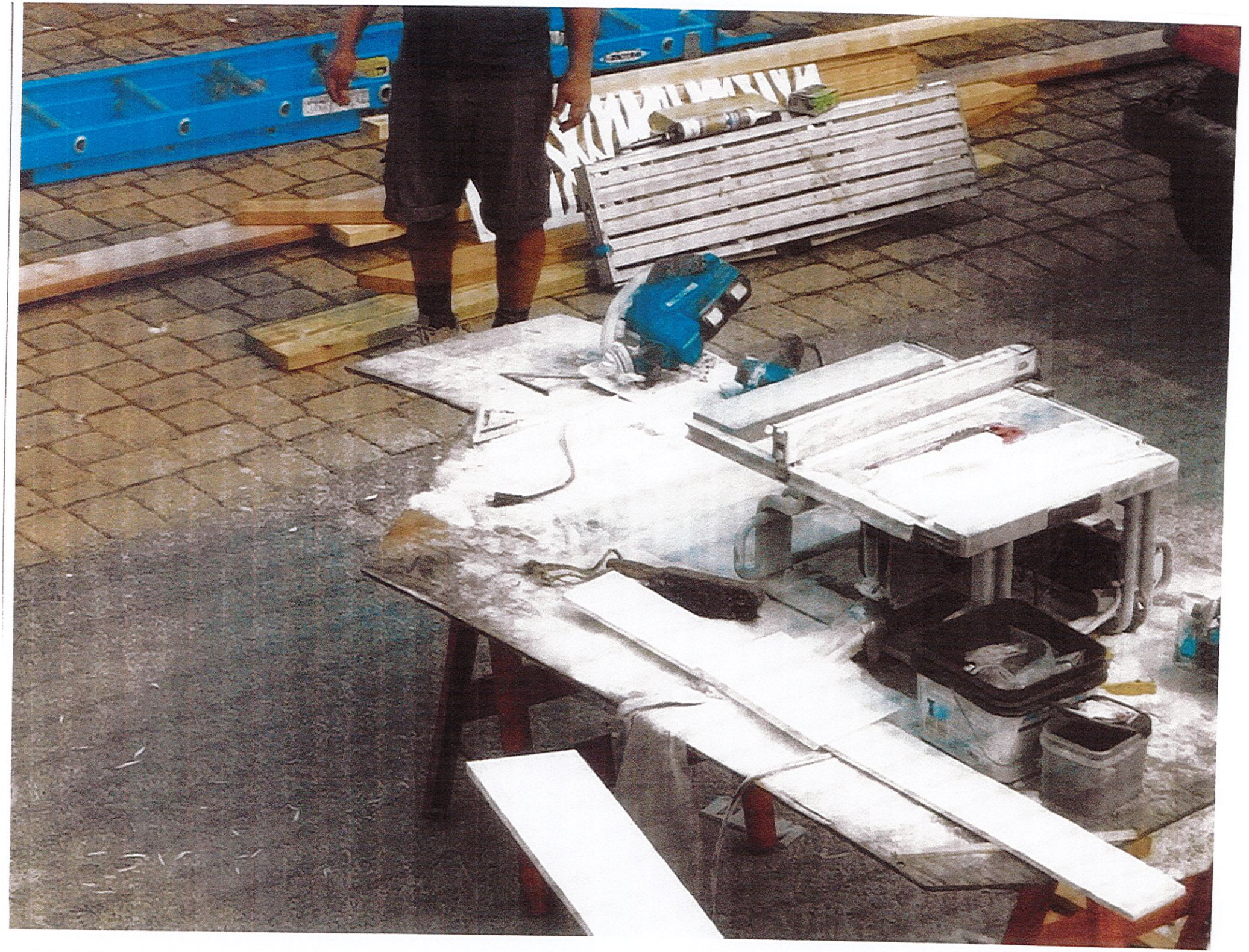
It was all over my window sills, deck and table and car. I'm pretty sure this is an Environmental Issue !

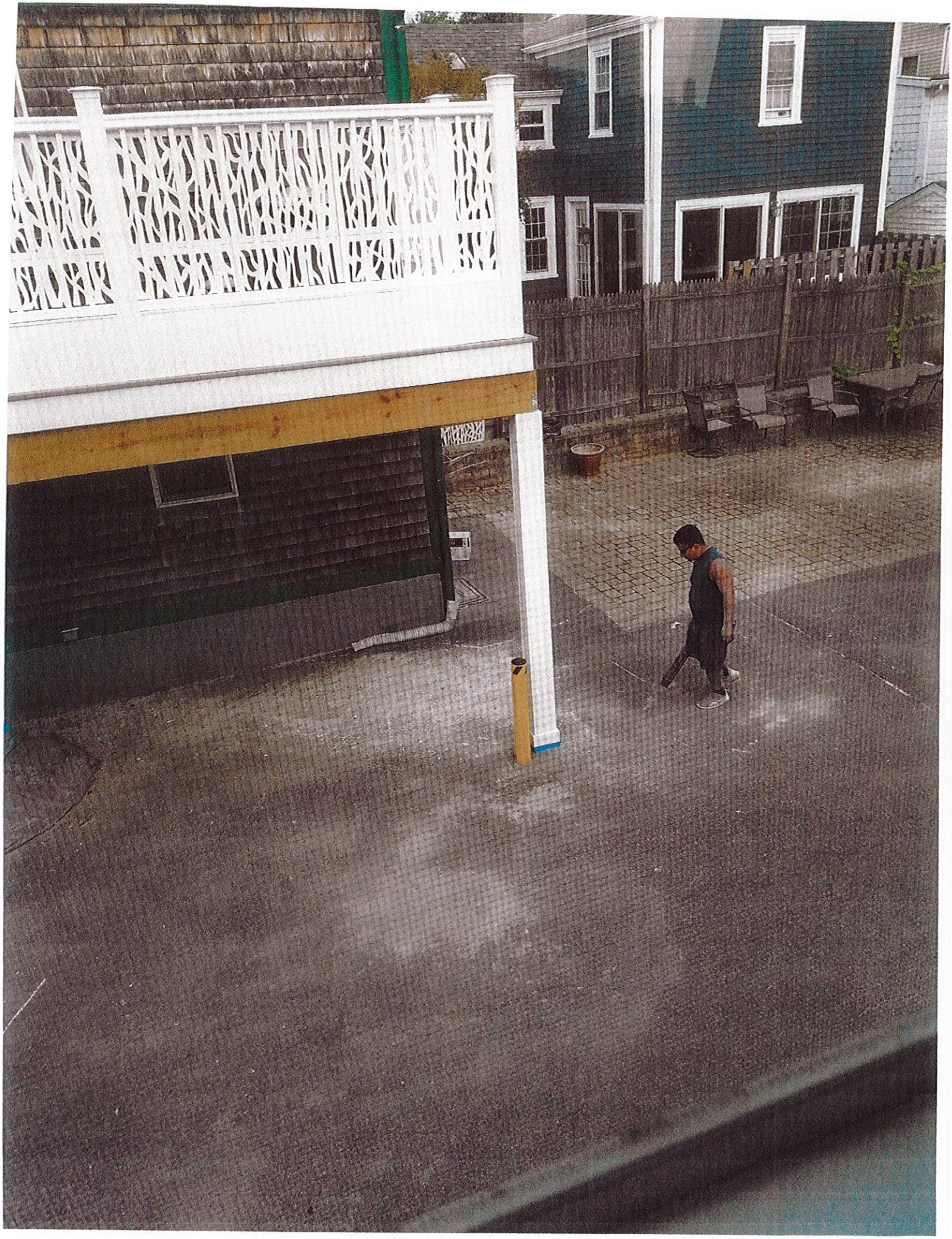
Stephanie Guinan

15 South Baptist St

Newport


NO PARKING





Submitted w/
Application
and presented to
abutters for approval

Privacy railing/ minimum 54" ht
Screen full west side 4'6" high

6

pg 6 of application

Stephanie Guinan

From:	Stephanie Guinan
Sent:	Thursday, July 15, 2021 3:35 PM
To:	Peter Regan; Guy Weston (gweston@cityofnewport.com); John M
Cc:	Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject:	RE: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)
Attachments:	20210714_101151.jpg; 20210714_101141.jpg; 20210714_101147.jpg; 20210714_101215.jpg

Hello All,
Since our last correspondence on May 26, no work has been done, the construction debris is the first thing I see each morning. Even when we had a weather forecast for high winds a couple of weeks ago no effort was made to secure the debris.
There is a stack of flimsy pierced plastic panels on the deck.
May I have an update ?
Thanks !

Stephanie Guinan
15 South Baptist St
Newport, RI 02840
401-965-8433

From: Peter Regan <PRegan@srt-law.com>
Sent: Wednesday, May 26, 2021 12:45 PM
To: Stephanie Guinan <sg@stephanieguinan.com>; Guy Weston (gweston@cityofnewport.com) <gweston@cityofnewport.com>; John M <mccjohnr@hotmail.com>
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com) <khaakonsen@bpslawyers.com>
Subject: RE: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

Stephanie:

The installation of the privacy screen has not been done yet; please stand by.

Peter

Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
Phone: 401-849-3040 Ext. 215 Fax: 401-849-4330

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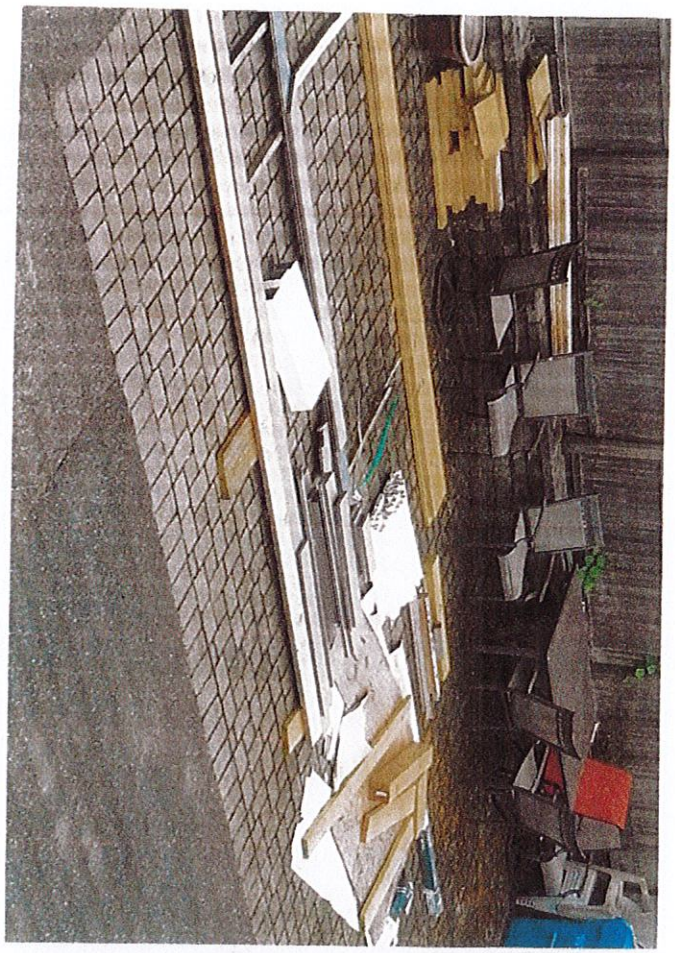

Stephanie Guinan

From: Stephanie Guinan
Sent: Wednesday, May 26, 2021 12:50 PM
To: Peter Regan; Guy Weston (gweston@cityofnewport.com); John M
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject: RE: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

OK, I was going to wait until the end of the project, but was encouraged to raise my hand now. Is there a Picture/ drawing of what this Privacy fence looks like, clearly what is being put up is coated plastic not a composite material as depicted in the Application. If it is a fabric weave, it will be flapping around in the high winds we often experience. I am requesting a description/ materials list.

From: Peter Regan <PRegan@srt-law.com>
Sent: Wednesday, May 26, 2021 12:45 PM
To: Stephanie Guinan <sg@stephanieguinan.com>; Guy Weston (gweston@cityofnewport.com) <gweston@cityofnewport.com>; John M <mccjohnr@hotmail.com>
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com) <khaakonsen@bpslawyers.com>
Subject: RE: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

Stephanie:

The installation of the privacy screen has not been done yet; please stand by.

Peter

Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
Phone: 401-849-3040 Ext. 215 Fax: 401-849-4330

Helping you meet challenges and seize opportunities

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Stephanie Guinan

From: Stephanie Guinan
Sent: Wednesday, May 26, 2021 12:04 PM
To: Guy Weston (gweston@cityofnewport.com); Peter Regan; John M
Cc: Kate Haakonsen - 7 So Baptist (KHaakonsen@BPSLawyers.com)
Subject: FW: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)
Attachments: 19 South Baptist Street Second Amended Zoning Application 10.20.20.pdf; 19 South Baptist Deck Railing May 25, 2021 from below.jpg; 19 South Baptist Deck Railing May 25, 2021.jpg

Hello Everyone !

Attached please find on page 6 the approved west side Deck Railing/ Privacy screen for the Second Amended Zoning Application dated Nov 20, 2020 for the deck to be constructed by John McCarthy at 19 South Baptist. Approved on Nov 30, 2020.

The deck railing that is being installed right now is not what was agreed upon. There is no privacy which was exactly what I was afraid of. There are 2 pictures attached of what is being installed. Please advise.

Stephanie Guinan
15 South Baptist St
Newport, RI 02840
401-965-8433

From: Peter Regan <PRegan@srt-law.com>
Sent: Friday, November 20, 2020 4:05 PM
To: Guy Weston (gweston@cityofnewport.com) <gweston@cityofnewport.com>
Cc: Stephanie Guinan <sg@stephanieguinan.com>; Kate W. Haakonsen <khaakonsen@bpslawyers.com>
Subject: Petition of John McCarthy, 19 South Baptist Street (Plat 32, Lot 186)

Dear Guy:

We have reached an agreement with the two abutters to 19 South Baptist Street to resolve their objections. My client has agreed to reduce the size of the structure to 8.75' by 22', and has agreed to several conditions, as set forth below and in the Second Amended Application and revised plan attached hereto. The revised plan reduces the size of the proposed deck/carport by approximately 45%, from 352 SF to 192.5 SF, and reduces the proposed increase in lot coverage by 45.5%, from 10.1% to 5.5%.

In addition, my client has agreed that following will be included as conditions on any approval:

- The overall size of the deck/carport structure shall be limited to no more than 8' 9" by 22';
- The size of the seating area of deck, excluding railings, shall be no more than 182 square feet;

- A privacy railing/screen with a minimum height of 54" shall be permanently installed for the full length of the west side of the deck;
- The existing outdoor lighting on the 1st and 2nd floors in the area of the proposed deck/carport shall be permanently removed; and
- All new lighting shall be screened from the abutting properties.

Please contact me with any questions.

Best,

Peter

Peter Brent Regan, Esq.
SAYER REGAN & THAYER, LLP
130 Bellevue Avenue
Newport, RI 02840
Phone: 401-849-3040 Ext. 215 Fax: 401-849-4330

Helping you meet challenges and seize opportunities

Wire Fraud and Check Scams are very common. Never send personal or financial information by unsecure email. If you receive wiring instructions and/or a request to wire funds or overnight cashier's or personal checks to anyone, **even if the request looks like it came from our office, your lender or realtor, DO NOT** initiate the wire or forward the checks without first calling the requesting party **at a Known Telephone Number** - not the telephone number in the email request - to verify that the request has come from a professional directly involved in your transaction. Ask the professional to verify the wiring instructions or address where the checks should be forwarded.

This e-mail is from Sayer Regan & Thayer, LLP ("SR&T"), and is intended solely for the use of the individual(s) to whom it is addressed. This communication and any attachments may contain information that is proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone. If you are not an SR&T client, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to SR&T in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of SR&T, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality. Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written contract.

NOT APPROVED

August 11. 2021

Newport Zoning Board of Review

RE: Approved Application of John McCarthy 19 South Baptist Dec 14, 2020

From: Stephanie Guinan

Direct abutter at 15 South Baptist

Never was it mentioned in the Application that John McCarthy would be adding additional Glass Doors to the already large glass window. I thought the window would be replaced by a door. Now I have 4 large panes of glass Just outside my Bedroom and Bathroom. His television and radio can be heard throughout my house when windows and door are open.

Never mentioned + not on drawing