

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, February 12, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Russell Johnson, Secretary
David Riley
Bart Grimes
Susan Perkins
Nicole Shevory, Alternate

Dylan Conley, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Wick Rudd, Vice Chair

D E C I S I O N S

Amended App. #2023-Apr-005 PETITION OF DAVID PLATT, applicant and owner, **70 Bridge Street**, TAP 16, Lot 078, (R-10 Zone, Historic Overlay) for a special use permit, dimensional variance, and regulatory variance to construct a second principal residential building on a property, increasing the lot coverage from 25.58% to 35.28% (20% permitted).

Owner David Platt and architect Spencer Alexander were present. Mr. Alexander described the changes to the petition and is no longer seeking a regulatory variance.

Chair Goldblatt made a motion to approve the application based upon the findings of fact and information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing and the preceding hearing, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Riley.

The Board discussed the petition. A roll call vote was taken. The petition was unanimously approved. Staff to prepare the draft decision.

App. #2023-Sept-009 PETITION OF WILLIAM AND LISA COLLINS, applicants and owners, **5 Waites Wharf**, TAP 32, Lot 158, (WB Zone) for a special use permit and dimensional variances to convert an existing single-family dwelling to a four bedroom guest house, providing zero additional parking spaces (2 additional needed for bedrooms and 1 needed for manager space), without

complying with commercial parking space standards, including minimum driveway aisle width, 24' access driveway aisle, and maneuvering into the right-of-way.

The applicant was represented by attorney Russell Jackson. Owner Lisa Collins and traffic engineer Todd Braden were also present. Objector Johanna Vietry was present.

Chair Goldblatt made a motion that the petition for a dimensional variance be granted and to adopt based on the Boards findings of fact the information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing, both for and against the petition, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or such extension requested in writing to the Zoning Officer prior to expiration and granted, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, that the applicant is able to negotiate and secure an annual agreement to make available 3 offsite spaces for this property on an as-needed basis, and that the applicant indicate to the City that the contract remains in effect when she registers the short term rental property with the City each year, seconded by Mr. Riley.

The Board discussed the petition. A roll call vote was taken. The Board unanimously granted the petition. Attorney Jackson to prepare the draft decision.

App. #2023-Sept-008 PETITION OF ROBERT & KATHLEEN QUTUB, applicants and owners, **437 Bellevue Avenue**, TAP 36, Lot 008, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variances to construct an in-ground pool located 21'-2.5" from the Webster Street front property line (50' required), replace an existing mudroom entry stairs with covered entry, extend the kitchen entry porch, add new rear stairs to the patio, and add an outdoor kitchen and grill counter, increasing the lot coverage from 12.87% to 15.47% (10% allowed). **(Request to Withdraw Application)**

A motion to accept the request to withdraw the application without prejudice was made by Mr. Goldblatt, seconded by Mr. Riley, all in favor.

App. #2023-Sept-011 PETITION OF TIMOTHY and ROBERTA HARRINGTON, applicants and owners, **85 Pope Street**, TAP 32, Lot 103, (R-10 Zone) for a special use permit and dimensional variance to install AC condensers located 0' from the East Street front property line (15' required).

Owner Timothy Harrington was present. One letter of opposition was received.

Chair Goldblatt made a motion to approve the application based upon the findings of fact and information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Riley.

The Board discussed the petition. A roll call vote was taken. The Board unanimously granted the petition. Staff to prepare the draft decision.

App. #2023-Oct-011 PETITION OF PATRICK KILROY, TRUSTEE, applicant, BONNIE B. KILROY, TRUST, owner, 9 Beacon Hill Road, TAP 41, Lot 006, (R-40 Zone; Historic Overlay) for a special use permit, dimensional variances, and a regulatory variance to the allowable number of principal dwelling units on a single property, to construct a new single-family dwelling on a property containing 6 existing dwelling units, located 35' from the Beacon Hill Rd. front property line and 20' from the Pen Craig Place front property line (50' required for both).

The applicant was represented by attorney Russell Jackson. Applicant Patrick Kilroy, real estate expert Jim Houle, and architect Paul Burke were present. No one was present in opposition. Applicant's Exhibit 1 1950's Map was accepted.

Chair Goldblatt made a motion to approve the application based upon the findings of fact and information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Riley.

The Board discussed the petition. A roll call vote was taken. The Board unanimously granted the petition. Attorney Jackson to prepare the draft decision.

App. #2023-Nov-011 PETITION OF KEITH CULLEN, applicant and owner, 84 Dr. Marcus Wheatland Boulevard, TAP 14, Lot 092, (GB Zone) for a special use permit and dimensional variances to demolish an existing two-family dwelling and construct a three-unit Guest House, a variance to the off-site manager parking space, variances to commercial parking space standards to allow reversing onto the right-of-way and not providing the 24-foot drive aisle, and a variance to the requirement to underground utilities.

Applicant Keith Cullen provided an overview of the petition. The Board resolved to make separate motions to consider the project in two parts: Part 1 regarding the overall project and Part 2 regarding undergrounding the utilities.

Chair Goldblatt made a motion to approve Part 1 of the application, adopt based upon the findings of fact and information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, that the applicant secure a contract to provide for the manager parking space, that in the applicant's annual registration with the city he

provide evidence that that contract remains in effect, and that the applicant will inform renters of the parking situation, seconded by Mr. Riley.

Chair Goldblatt made a motion to approve Part 2 of the application with the same findings and conditions as the first motion, seconded by Mr. Riley.

The Board discussed Part 1 and Part 2 of the application simultaneously. A roll call vote was taken regarding Part 1. The motion passed with Mr. Riley, Mr. Grimes, and Ms. Perkins voting to approve and Mr. Johnson and Mr. Goldblatt voting to deny. A roll call vote was taken regarding Part 2. The Board unanimously voted to deny the variance to undergrounding the utilities. Staff to prepare the draft decision.

Amended App. #2023-Jun-006 PETITION OF LAURA TREONZE, applicant and owner, **69 Third Street**, TAP 12, Lot 024, (R-10 Zone, Historic Overlay), for a special use permit and dimensional variances to remove a raised patio and side porch, and construct a new, detached 1 ½-story garage, located 2' from south (side) property line and 2' from the east (rear) property line (10' required for both), increasing the lot coverage from 30.7% to 35% (20% allowed).

Owner Laura Treonze and architect Spencer McComb were present. Three objectors were present: Patricia Ludwig of 65 Third St, Elizabeth Ludwig of 75 Third St, and attorney Tanner Jackson representing Scott Rivkees of 67 Third St.

Chair Goldblatt made a motion to approve the application based upon the findings of fact and information in the staff report, application, supporting plans, other documents, and the testimony of the witnesses taken at this hearing, and adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Riley.

The Board discussed the petition. A roll call vote was taken. The Board voted unanimously to deny the application. Staff to prepare the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 10:32 pm.