

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, February 26, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice Chair
David Riley
Bart Grimes
Nicole Shevory
Susan Perkins, Alternate

Dylan Conley, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Russell Johnson, Secretary

The following meeting minutes were considered:

- January 22, 2024 Minutes – Approval of the minutes has been continued to next month’s agenda.

The following requests for an extension were considered and accepted:

- 78 Ayrault St – 12-month extension
- 79 Connection St – 18-month extension
- 37 Dennison St – 12-month extension
- 169 Wellington – 12-month extension

The following requests to withdraw without prejudice were considered and accepted:

- 406-410 Thames St

D E C I S I O N S

App. #2024-Feb-001 PETITION OF MICHAEL HARVEY, applicant and owner, **40 Parker Ave**, TAP 34, Lot 206, (R-10 Zone) for a special use permit and dimensional variances to construct a 200 sq.ft. rear deck, located 4’ from the left, (west) side property line (10’ required), increasing the lot coverage from 25% to 29% (20% allowed).

The applicant was present and there was no opposition. Chair Goldblatt made a motion to adopt as the Board’s findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board’s conclusions 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, 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. Rudd. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Feb-002 PETITION OF KARINE NOACK, applicant and owner, **12 Hall Avenue**, TAP 13, Lot 112, (R-10 Zone) for a special use permit and dimensional variances to partially enclose an existing front porch, located 1'-8" from the front property line (15' required) and 4'-4" from the right (north) side property line (10' required).

The applicant was present and there was no opposition. Chair Goldblatt made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions 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, 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. Rudd. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Feb-003 PETITION OF PHYLLIS HIGGERSON, applicant, HAZARD AVENUE REALTY LLC, owner, **0 Coggeshall Avenue (2-4 Hazard Avenue)**, TAP 36, Lot 030-4, (R-60 Zone, Historic Overlay) for a dimensional variance to install two AC condensers 18' from the Coggeshall Avenue front property line (50' required).

The applicant was present and there was no opposition. Chair Goldblatt made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions 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, 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. Rudd. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Feb-013 PETITION OF CODYS INVESTMENTS, LLC, applicant and owner, **21 Catherine St**, TAP 25, Lot 066, (R-10 Zone, Historic Overlay) for a special use permit to reduce the size of a rear first-floor deck, alter the rear entrance, and install an in-ground splash pool, reducing the lot coverage from 26.8% to 26.1% (20% allowed).

The applicant was represented by attorney Russell Jackson. Objector Michael Paglierani was present and the item was moved to the summary abbreviated calendar. Chair Goldblatt made a motion to continue the application to March agenda, seconded by Mr. Rudd, all in favor.

Amended App. #2023-Sept-003 PETITION OF MATTHEW PENNINO, applicant and owner **23 Dresser Street**, TAP 31, Lot 029, (R-10 Zone) for a special use permit and dimensional variances to construct an in-ground pool, and retroactive approval of the construction of an outdoor kitchen located 2.2' from the east side property line (4.36' required), increasing lot coverage from 33.06% to 37.54% (31.27% allowed).

The applicant was represented by attorney Peter Regan. Applicant Matthew Pennino and real estate expert Jim Houle were also present. One letter of opposition was received. Applicant's Exhibit 1: Jim Houle Report 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 temporary drain on 45 Dresser St be removed, that a stormwater drainage system be installed to mitigate any runoff from the pool and patio, 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. Rudd.

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

App. #2024-Feb-007 PETITION OF ARMAND ALOI, applicant and owner, **6 Lincoln Street**, TAP 19, Lot 007-4, (R-10 Zone) for a special use permit and dimensional variance to reconstruct a front porch, and construct a second-floor deck above the porch, located 3' from the right (north) side property line (4' required).

Applicant Armand Aloï and architect Jeff Moniz were present. There was no opposition.

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. Rudd.

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

App. #2024-Feb-008 PETITION OF BERNARDINO LANCIA, applicant and owner, **30 Extension Street**, TAP 32, Lot 130, (R-10 Zone) for a special use permit and dimensional variance to construct a rear deck, and a third-floor roof deck, increasing the lot coverage from 33.4% to 34.6% (33% allowed).

Applicant Bernardino Lancia and objector Maggie Jones were present.

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, both for and against the petition, and to 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. Rudd.

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

App. #2024-Feb-009 PETITION OF GARY RAUGH, applicant and owner, **11 Appleby Street** TAP 18, Lot 033, (R-10 Zone) for a dimensional variance to construct a covered front porch and a two-story addition to the right (south) of the existing house, increasing the lot coverage from 31.7% to 40.7% (33.3% allowed).

Applicant Gary Raugh was present. There was no opposition.

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, both for and against the petition, and to 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, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Rudd.

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-012 PETITION OF HARBOUR REALTY, LLC, applicant and owner, **25 Waites Wharf**, TAP 32, Lot 155, (WB Zone) for a retroactive approval request for a special use permit to operate a 378 sq.ft. commercial outdoor recreation facility (axe throwing).

The applicant was represented by attorney Russell Jackson. Applicant Tami Abruzese was also present. There was no opposition. Applicant's Exhibit 1 Photos and Exhibit 2 Professional Certifications Related to Axe Throwing were 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 to adopt as the Board's conclusion of law that the petitioner has met their burden of proof under each element under Chapter 17.109 Special Use Permits, Category 3, and that the petition be granted with the conditions that the special use permit be granted to this particular applicant and owner and that the special use permit will sunset if the title to the subject property is transferred to an unrelated and unaffiliated entity and is non-transferable without further approval of the Zoning Board, that all staff responsible for the supervision of axe throwing be coaches and/or trainers with their training certified by the World Axe Throwing League or some similar governing body, that the applicant will maintain appropriate levels of staffing and security personnel

at all times guests are engaged in axe throwing, 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. Rudd.

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-012 PETITION OF FAMILY RETREAT LLC and KARL FEITELBERG, applicants and owners, **15 Atlantic Avenue**, TAP 44, Lot 132, (R-40A Zone, Historic Overlay) for dimensional variances to construct a pergola over an existing patio, construct an outdoor kitchen, and construct an in-ground pool and raised patio and decking located approximately 16' from the rear property line (20' required), increasing the lot coverage from 8% to 11.9% (10% allowed).

The applicant was represented by attorney Michael Monti. Owner Sonia Feitelberg and landscape architect Pam Rogers were also present. Abutter Rick Farrick was present in opposition. Applicant's Exhibit A: Aerial View was accepted.

The applicant was amenable to a condition to have a stormwater management plan. Mr. Farrick proposed having the pool moved to the northwest. The applicant requested a continuance. A motion was made to grant a continuance to the March 25th meeting. The motion passed with Ms. Shevory, Mr. Rudd, and Mr. Grimes voting to grant the continuance, and Mr. Goldblatt and Mr. Riley voting to deny.

App. #2023-Dec-013 PETITION OF KAREN McGUINNESS, TRUSTEE, applicant and owner, **172 Spring Street**, TAP 24, Lot 309, (GB Zone, Historic Overlay) for a dimensional variance to convert the existing single-family dwelling into a 4-bedroom guest house without providing additional on-site parking spaces (4 additional required).

Applicant Karen McGuinness and objector Lesley Brooking were present. Applicant's Exhibits 1) Guest House Sign, 2) Tax Assessor Card, 3) City Renewal Reminder Letters, 4) Annual Registration Documents, 5) Application Fee Deposit Documents, 6) City Correspondence Referencing Transient Guest Facility, 7) Letters from Applicant's Attorney to City were 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, both for and against the petition, and to 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, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Rudd.

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

Amended App. #2023-Dec-002 PETITION OF JANN RAY MEDEIROS, applicant and owner, **0 Champlin Street**, TAP 23, Lot 003, (R-10 Zone), for a special use permit and dimensional variances to construct a new single-family dwelling with a height of 33'-6" (30' allowed), increasing the lot coverage from 4.3% to 29.4% (20% allowed), and install two HVAC units located 4' from the north (side) property line (10' required).

Applicant Jann Medeiros and architect Spencer McComb were present. Tony Rey, Wilma Simpson, Scott Anderson, and Nancy Anderson were present in objection. The applicant requested a continuance. A motion was made to grant a continuance to the March 25th meeting. The continuance was unanimously granted.

All remaining Petitions were continued.

Meeting was adjourned at 9:52 pm.