

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, March 25, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:00 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice Chair
Russell Johnson, Secretary
Bart Grimes
Susan Perkins
Nicole Shevory, Alternate

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

ABSENT: David Riley

The following meeting minutes were considered:

- January 22, 2024 Minutes (revised) – Approval of the minutes has been continued to next month’s agenda.
- February 12, 2024 Minutes – Approval of the minutes has been continued to next month’s agenda.

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

- 88 Washington
- 215 Gibbs

D E C I S I O N S

App #2024-Mar-001 PETITION OF PETER KRONES, applicant and owner, **30 Thurston Avenue**, TAP 07, Lot 284 (R-10 Zone), for a variance from the requirement to underground utilities.

The applicant was present and there was no opposition. Mr. Rudd 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 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. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App #2024-Mar-002 PETITION OF WILLIAM & SHARI DAILEY, applicant and owner, **9 Ellery Road**, TAP 20, Lot 083 (R-10A Zone), for re-approval of a special use permit and dimensional

variance, approved in 2021, to construct a second story addition located 3.3' from the east side property line (10' required).

The applicant was present and there was no opposition. Mr. Rudd 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, 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. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App #2024-Mar-010 PETITION OF ALBERT GIRARD, J.R., applicant and owner, **9 County Street**, TAP 06, Lot 136 (R-10 Zone), for a special use permit and dimensional variances to construct a second-floor addition, located 8'-6" from the front property line (15' required), and a one-story sunroom addition and deck, increasing the lot coverage from 18% to 21.5% (20% allowed).

The applicant was present and there was no opposition. Mr. Rudd 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, 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. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for a special use permit and dimensional variances to construct an accessory shed in the rear yard, located 2' from the south (side) and east (rear) property lines (10' required for both), increasing the lot coverage from 24.9% to 26.8% (20% allowed). **(Continue to 4/22/2024 to allow re-advertising)**

Application was continued at the request of the applicant.

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. Since the last Zoning Board meeting, the applicant met with the concerned abutters, the Paglieranis, to review the project and came to an agreement regarding two proposed conditions of approval.

Mr. Rudd 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 17.109 Special Use Permits, Category 6 and that the petition be granted with the conditions that the applicant will construct cedar picket fencing to match existing fencing along the common boundary between the Paglieranis' property and the subject property, that the applicant will plant 6-8 foot evergreens on the applicant's side of the fence, along the common boundary to provide additional screening, 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. Grimes. The motion was unanimously approved. Attorney Jackson to write the draft decision.

App #2024-Mar-003 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicant and owner, **102-108 Girard Avenue**, TAP 03, Lot 011 (R-10 Zone), for a modification of an approved special use permit, originally approved for 24 dwellings in 4 buildings, which was reduced to 16 units in 3 buildings, which now seeks to modify to 18 units in the three buildings.

The applicant was represented by attorney Jay Lynch. There was no opposition. Mr. Rudd 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 17.109 Special Use Permits, Category 1 and that the petition be granted with the conditions that there be strict adherence with this plan approved by the Zoning Board or the applicant must return to the Board, 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. Johnson. The motion was unanimously approved. Attorney Lynch to write the draft decision.

App #2024-Mar-009 PETITION OF CHARLES F. PATTAVINA, applicant and owner, **33 Poplar Street**, TAP 12, Lot 132 (R-10 Zone, Historic Overlay), for a special use permit and dimensional variance to construct second-floor dormers; the east side dormer would be located 11" from the side property line (3.6' required).

The applicant was represented by attorney Matt Leys. The applicant was also present. There was no opposition. Mr. Rudd 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, Category 6 and that the petition be granted with the conditions that the project be started and substantially completed within 18 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. Johnson. The motion was unanimously approved. Attorney Leys to write 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). (Continued from 2/26/2024)

The applicant was represented by attorney Michael Monti. Landscape architect Pamela Rogers was present and was accepted as an expert by the Board.

The voting Board members for this petition were Mr. Grimes, Mr. Rudd, Mr. Goldblatt, Mr. Johnson, and Ms. Shevory. Mr. Rudd 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 that the petition be granted with the conditions that the applicant submit a stormwater management plan, 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. Johnson.

The Board discussed the petition and granted unanimous approval. Attorney Monti to write 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).

The applicants were represented by attorney Matt Leys. The owners, architect Spencer McCombe, and real estate expert Jim Houle were present. Objectors Nancy Ross and Scott Anderson were present.

The voting Board members for this petition were Mr. Grimes, Mr. Rudd, Mr. Goldblatt, Mr. Johnson, and Ms. Shevory. Mr. Rudd 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 that the petition be granted with the conditions that the applicant submit a stormwater management plan, that the applicant discuss adding vegetation with the neighbor to the North, 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. Johnson.

The Board discussed the petition. The motion passed with four members voting to approve and Mr. Goldblatt voting to deny. Attorney Leys to write the draft decision.

App. #2023-Jul-010 PETITION OF BAYCOAST BANK, applicant, LION CAPITAL, LLC, owner, **137 Broadway**, TAP 19, Lot 025, and **131-133 Broadway**, TAP 19, Lot 026 (GB Zone) to construct a new bank, requiring variances to provide 90 degree parking without the necessary 20-foot drive aisle, and proposing drive-thru ATMs, resulting in the stacking of vehicles that (1) hinders on-site traffic circulation; (2) obstructs any area required for the on-site maneuvering of vehicles, and (3) impinges

upon designated parking spaces for persons with disabilities and the direct access from such parking spaces to the business entrance.

The applicant was represented by attorney Douglas Giron. Project engineer Drew Garvin, BayCoast Bank Chief Operating Officer James Wallace, Chief Lending Officer Carl Taber, and property owner Derek Savas were present. Objectors Cynthia Amundson and Robert Vitello were present.

Mr. Rudd 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 that the petition be granted with the conditions that the drive-through only be for banking purposes, 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. Johnson.

The Board discussed the petition. A roll call vote was taken and the Board granted unanimous approval. Attorney Giron to write the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 10:20 pm.