

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, July 15, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
Russell Johnson, Secretary
Bart Grimes
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

ABSENT: Susan Perkins, Alternate

D E C I S I O N S

Mr. Johnson made a motion to move 5 Halidon Terrace to the abbreviated summary calendar, seconded by Ms. Shevory. The motion passed unanimously.

App. #2024-May-010 PETITION OF TURNER C. SCOTT & KATHLEEN PRATT, applicants and owners, **5 Halidon Terrace**, TAP 42, Lot 24, (R-40 Zone) for a special use permit and variances to convert an existing accessory building to a second principal residential dwelling (one allowed per lot) and construct a new two-car garage addition to this structure, located 3.2' from the west side property line (26' required).

Attorney Russell Jackson represented the applicants. Mr. Riley 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. Mr. Jackson to write the draft decision.

*App #2024-Mar-005 PETITION OF 7 CARROLL AVE LLC, applicant and owner, **7 Carroll Avenue**, TAP 40, Lot 131 (LB Zone), for a special use permit and dimensional variances to convert two dwelling units to two guest house units with five (5) total bedrooms, requiring relief from one parking space (manager parking space partially located on the adjacent property), without providing the required 24-foot two-way drive aisle on the same property; and a variance to the on-site manager.

Owner Ian Martins was present. Mr. Riley 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 Board discussed the petition and a roll call vote was taken. The Board voted 5-0 to deny the petition. Staff to write the draft decision.

*App. #2024-Apr-002 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); parking proposed to be leased off-site.

The owner was present and described the proposed parking arrangement. Mr. Johnson made a motion to find that the current application is significantly different from Ms. McGuinness's previous application, seconded by Mr. Grimes and unanimously approved.

Applicant's Exhibit 1 Presentation was accepted. Mr. Riley 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 provide annual proof of the leased parking spaces, 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 a roll call vote was taken. The Board voted unanimously to approve the petition. Staff to write the draft decision.

*Amended App. #2024-Mar-004 PETITION OF HAZARD AVENUE REALTY, LLC, applicant and owner, **0 Coggeshall Avenue (2-4 Hazard Avenue)**, TAP 36, Lot 030-4, (R-60 Zone) for a special use permit and dimensional variances to legalize a third unit that was added to the property in the 1980s without approval of a special use permit, without meeting minimum lot size required for a multi-family dwelling, without providing any parking on the property (2 additional required).

Attorney Jay Lynch represented the applicant and Attorney Matthew Leys represented objector Tara Griffin of 459 Bellevue Ave. Hazard Avenue Realty LLC member Phyllis Higgerson, real estate expert Jim Houle, and objector Tara Griffin were also present.

Mr. Lynch, Mr. Houle, and Mr. Leys debated the parking configuration and short-term rental status of the property. The applicant was amenable to the condition that there be no short-term rentals. The Board accepted an amended staff report that included 4 on-site parking spaces.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the amended 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 property not be short-term rented, 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 a roll call vote was taken. The Board voted unanimously to approve the petition. Mr. Lynch to write the draft decision.

App #2024-May-017 PETITION OF SEACOAST MORTGAGE CORPORATION, applicant and owner, **425 Thames Street**, TAP 32, Lot 021 (Waterfront Business Zone), for a dimensional variance to convert an existing dwelling to a 2-room guest house, without providing the necessary parking (1 additional space required).

Owner Kim Sabbagh was present. Mr. Riley 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 provide annual proof of the leased parking spaces, 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 a roll call vote was taken. The Board voted unanimously to approve the petition. Staff to write the draft decision.

App. #2024-Jun-014 PETITION OF ANDREW and KELLY SALEM, applicants and owners, **96 Washington Street**, TAP 12, Lot 247, (R-10 Zone, Historic Overlay) for special use permits and dimensional variances to construct third floor dormers to the east and west sides of the house, reaching a height of 31'-6" on a building reaching 32' in height (30' permitted), and constructing a first level rear deck and a second level roof deck, located 0' from the Cherry Street front property line (10.62' required), increasing the lot coverage from 26.5% to 31.47% (25.83% permitted).

Attorney David Martland represented the applicants. Owner Kelly Salem and contractor Brian Arnold were also present. Applicant's Exhibit 1 & 2 Dormers in the neighborhood were accepted.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the amended 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 Board discussed the petition and a roll call vote was taken. The Board voted unanimously to approve the petition. Mr. Martland to write the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 9:20 pm.