

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, May 19, 2025, in the City Hall Council Chambers, 43 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
Russell Johnson, Secretary
Bart Grimes
Nicole Shevory
Melissa Pattavina (Alternate)

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor
Zachary Cabrera, Assistant Planner

The following communications were considered and approved:

- Extension request, 206 Thames Street. Request to extend zoning approval for an additional 23 months.
- Public comment for 2025-APPEAL-001, 181 Bellevue Avenue. All public comment regarding the appeal was accepted as communications by the Board.

D E C I S I O N S

App. #2025-May-002 PETITION OF CHARLES PATTAVINA, applicant and owner, 33 Poplar Street, TAP 12, Lot 132, (R-10 Zone, Historic Overlay) for a dimensional variance to place a condenser 2'-4" from the east side property line (3' required).

The applicant was present and there was no opposition to the petition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, 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 Ms. Shevory. The motion was unanimously approved. Staff to write the draft decision.

App. #2025-May-009 PETITION OF RAED YAZBECK, applicant and owner, 201 Goddard Row, TAP 24, Lot 010-201, (GB Zone) for a special use permit to convert an existing retail store into a fast-food restaurant (smoothies and fruit bowls).

Attorney Peter Regan was present to represent the application on behalf of the applicant and there was no opposition to the petition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, 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 3, 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 Ms. Shevory. The motion passed unanimously. Mr. Regan to write the draft decision.

App. #2025-May-010 PETITION OF RHYS & JENNIFER WARBURTON, applicants and owners, 12 Elliot Place, TAP 06, Lot 090, (R-10 Zone) for a special use permit and dimensional variance to construct a 25 sq. ft. one-story, rear addition, increasing the lot coverage from 36.3% to 37% (33.2% allowed).

The applicants were present and there was no opposition to the petition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, 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 Ms. Shevory. The motion was approved unanimously. Staff to write the draft decision.

App. #2025-May-004 PETITION OF JESSICA PHILLIPS, applicant and JESSICA L. PHILLIPS 2022 DECLARATION OF TRUST, owner, 108 Catherine Street, TAP 23, Lot 154, (R-20 Zone) for dimensional variances to place a generator and pool equipment 12' from the east front property line (30' required).

The applicant was present and there was no opposition to the petition. The applicant's attorney, Michael Mineau, was also present to represent the application. Mr. Riley and Mr. Johnson asked questions regarding the petition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, 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 Ms. Shevory. The motion was unanimously approved. Mr. Mineau to write the draft decision.

App. #2025-May-008 PETITION OF TAJ RESIDENCES, LLC, applicant and owner, 7 & 9 Dearborn Street, TAP 32, Lot 214, (R-10 Zone) for a variance to the requirement to underground utilities.

The applicant was present and there was no opposition to the petition. The applicant's attorney, Russell Jackson, was also present to represent the application.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, 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 Ms. Shevory. The motion was unanimously approved. Mr. Mineau to write the draft decision.

App. #2025-May-011 PETITION OF STEPHANIE SHULER, applicant and owner, 6 ½ & 8 Cross Street, TAP 17, Lot 031-4, (R-10 Zone) for a dimensional variance to construct a new 3-car parking area and an 11-foot-wide driveway (24' required for 2-way traffic).

The applicant was present and there was one objector present. Mr. Riley made a motion to continue the application to the June 23, 2025 Zoning Board of Review meeting, seconded by Ms. Shevory. The motion was unanimously approved.

App. #2025-May-001 PETITION OF CPDW PROPERTIES, applicants and owners, 16 Mary Street #4, TAP 24, Lot 353-4, (GB Zone) for a dimensional variance to convert an existing two-bedroom dwelling to a two-bedroom guest house without providing the required parking (one additional manager space required).

The applicant was present and there was no opposition. Mr. Riley made a motion to continue the application to the June 23, 2025 Zoning Board of Review meeting, seconded by Ms. Shevory. The motion was unanimously approved.

App. #2025-May-005 PETITION OF KEITH A. and MICHELLE L. BRIGGS, applicants and owners, 13 Goodwin Street, TAP 35, Lot 240, (WB Zone) for a dimensional variance to add a third bedroom to a guest house without providing the required parking (one additional space required).

The applicant was present and there was no opposition. Mr. Riley made a motion to continue the application to the June 23, 2025 Zoning Board of Review meeting, seconded by Ms. Shevory. The motion was unanimously approved.

*App. #2024-Dec-012 PETITION OF AMER TAJ AND CHRYSANTHE TAJ, applicants and owners, 57 Marchant Street, TAP 39, Lot 469, (R-10 Zone), for a special use permit and dimensional variance to construct a mudroom and two-story garage, increasing the lot coverage from 30.88% to 38.19% (30.84% allowed).

The applicants were present and several objectors to the petition were present. The applicant's attorney, Russell Jackson, was also present to represent the application. The applicant's architect, Ross Cann, was also present to represent the application. The applicant's real estate expert, Jim Houle, was

also present to represent the application. Mr. Jackson explained how this petition was substantially different from the previous application. Objector James Browning explained how he though the petition was not substantially different from the previous application. Mr. Riley made a motion to determine this application was substantially different from the previous application, seconded by Ms. Shevory. The Board discussed and a roll call vote was taken, the motion was unanimously approved.

Mr. Jackson then explained the petition and responded to questions from each Board member. Following Mr. Jackson's testimony, Mr. Cann was invited to discuss the architectural components of the project and respond to questions from the Board. Following Mr. Cann's testimony, Mr. Houle was invited to discuss real estate components of the petition and respond to questions from the Board. Mr. Browning explained his objections to the petition and responded to questions from the Board. Objector Patricia Vecchione explained her objections to the project and responded to questions from the Board.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents and on the conditions that a stormwater management plan be submitted to City Staff and the vegetation screen between the subject property and the abutting property be maintained at its current height 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 Ms. Shevory. The Board discussed the petition and a roll call vote was taken. The motion was unanimously approved. Mr. Jackson to write the draft decision.

App. #2025-Appeal-001 APPEAL OF 181 BELLEVUE CENTER, LLC, appellants, appealing the decision of the Historic District Commission denying a Certificate of Appropriateness to construct a new hotel, restaurant, and spa, applying to the property located at 181 Bellevue Avenue, TAP 28, Lot 112-4. (Appeal Hearing)

The appellants were present to represent the application. The appellants' attorney, Peter Regan was also present to represent the application and respond to questions from the Board. Mr. Regan explained the appeal and responded to a question from Mr. Rudd.

Mr. Riley made a motion to sustain the appeal of the HDC decision in favor of the appellants, and overturn the HDC denial of the petition, seconded by Ms. Shevory. The board discussed the appeal and a roll call vote was taken. The appeal was unanimously sustained. Mr. Regan to write draft decision.

Meeting was adjourned at 10:15 pm.