

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, October 24, 2022, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

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

Nick Armour, Acting Zoning Officer
Girard Galvin, Assistant City Solicitor
Patricia Reynolds, Planning and Economic Development Director

ABSENT: There were no members absent

D E C I S I O N S

A motion to adopt the staff reports, plans and applications as the Board's findings of fact on items listed below on the Consent Summary section of the agenda was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved.

A motion to set a Special Meeting on November 21, 2022 to hear outstanding Zoning application was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

A motion to set two Special Meetings to conclude the hearings on Salve Regina University was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2022-Oct-2. PETITION OF CHRISTINE SMITH, applicant and owner; **91 Second St.**, TAP 09, Lot 309, (R-10 zone, Historic Overlay); for a special use permit and a variance to the dimensional requirements to demolish a rear addition and construct a new 16'x9' rear addition and entry stairs that increases the lot coverage from 33.6% to 35.8% (20% allowed).

App. #2022-Oct-7. PETITION OF LAUREN & PATRICK DURNEY, applicant and owner; 31 Annandale Rd., TAP 29, Lot 119, (R-10 zone); for a variance to the dimensional requirements for permission to install two condensers located 2'-4" from side property line (10' required).

A motion to approve the afore-mentioned consent items with the condition that the project be started and substantially completed within 12 months of the date of the decision and

that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved.

App. #2022-Oct-6. PETITION OF MARIANNE SHATTUCK, applicant and owner; **37 Slocum St.**, TAP 34, Lot 117, (R-10 zone); for a special use permit and variance to allow for an installation of an emergency generator 4' from the rear property line (10' required), increasing lot coverage 32% 32.88% (20% allowed).

A motion to approve the afore-mentioned consent item with the conditions that the project be started and substantially completed within 12 months of the date of the decision, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, and that the generator shall only be tested during weekdays between the hours of 9:00 am and 5:00 pm, was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved.

A motion to approve App. #2022-Apr-14. PETITION OF ALEXANDER DONLAN, applicant; ELLINOR WALTERS, owner; 7 Malbone Rd., TAP 10, Lot 5-4, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission for permission to construct a 61.7 sq. ft entry addition and a 175 sq. ft. deck addition which will be located 3' from the east property line, (10' required), and which will increase the lot coverage from 25% to 32%, (20% allowed). There was no opposition submitted to this application. The application was represented by the applicant and owner. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision.

A motion to approve App. #2022-Oct-1. PETITION OF MELISSA DONAVAN, applicant and owner; 69 Harrison Ave., TAP 42, Lot 025, (R-40 zone); for a variance to the dimensional requirements to demolish a porch and construct a first-story addition, located 5.6' from the side property line (10' required) and approximately 45' from the front property line (50' required), which increases the lot coverage from 12% to 17% (15% allowed), There was no opposition submitted to this application. The application was represented by the applicant and owner. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision.

A motion to approve App. #2022-Oct-3. PETITION OF MICHAEL & BARBARA DENNIS-BALE, applicant and owner; **4 ½ Sunshine Ct.**, TAP 12, Lot 021, (R-10 zone, Historic Overlay); for a special use permit and a variance to the dimensional requirements to construct a 12'x12' shed, located 3' from the side property line (10' required), which increases the lot coverage from 18% to 21.8%. The application was represented by the applicants. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, all invoices due to the city be paid prior to recording the decision, that the use of the shed be restricted to storage only, and that no living space will be allowed.

Oral arguments were heard in the appeal of WeLoveNewport, LLC, filed by Mr. Clayton Deutsch. Mr. Deutsch was represented by Attorney Jeremiah Lynch. WeLoveNewport, LLC was represented by Attorney Peter Regan. Topics raised were 1) issues with the stated lot size and lot coverage calculations from original approval, and 2) the timeliness of the appeal of the building permit. Motion to sustain the appeal made by Mr. Rudd, seconded by Mr. Riley. Motion failed by a unanimous vote of 0-5. Attorney Regan to prepare decision.

A motion to approve App. #2022-Nov-7. Corrected PETITION OF CULLEN & MAGDALENA GUILMARTIN, applicants and owners, 34. S. Baptist St., TAP 32, Lot 167, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 2nd floor dormer located approximately 5' from the front property line (15' required), construct a 3rd floor dormer which will be located 7'-10" from the side property line, (10' required), construct a third floor balcony located 10'-9" from the rear property line (20' required), and increase the roof height from 27.33' to 29.66', on a lot with 44.3% coverage (20% allowed).).The property owner, Cullen Guilmartin, Attorney Michael Richards, and the project designer, Chris Arner, were present to represent the application. One abutter, Mrs. Tina Brownell, spoke in opposition to the application, citing other work conducted without permits by the applicant. The motion was unanimously approved, with the Chair voting against the retroactive approval of the balcony, with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, the surface area around the pool be constructed of permeable material, to the extent practicable, and all invoices due to the city be paid prior to recording the decision. Attorney Richards will draft the decision.

A motion to approve App. #2022-Jan-2. Amended PETITION OF ROBERT WOLF, applicant and owner; 31 Bacheller St., TAP 35, Lot 62, (R-10 zone); for a special use permit and variance to the dimensional requirements for permission to construct a 3rd floor dormer and an addition which will be located 8.2' from the east property line, (10' required) and a height of 32'-11" (30' allowed), add a new bulkhead, and a new rear stairway addition which will increase the lot coverage from 31.2% to 33.2%, (20% allowed).The property owner, Mr. Robert Wolf, and Attorney Peter Regan were present to represent the application. There was no opposition submitted to this application. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision. Attorney Peter Regan to draft decision.

A motion to approve App. #2022-Jan-3. PETITION OF MICHAEL & KAREN ASETTA, applicant and owner; 27 Harrison Ave., TAP 40, Lot 106, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 18.3' x 26' detached garage which will be located 3.5' from the west and north property lines, (10' required), and add a 23' x 10.5' rear addition to the existing dwelling which will be located 2.75' from the east property line, (10' required). Said garage and addition to

increase the lot coverage from 20% to 26%, (20% allowed). The property owners, Michael and Karen Asetta, Attorney J. Russell Jackson, appraiser James Houle, and architect Greg Yolanis, were present to represent the application. One abutter, Mr. Greg Steele, spoke in opposition to the application, citing concerns with construction impacts and the proximity of the addition to his residence. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and that construction methods be used that would not affect the neighbor's property. The applicants agreed to these conditions. Attorney Jackson to draft the decision.

App. #2022-Mar-8. PETITION OF PLEASANT PROPERTIES, LLC, applicant and owner; 5 Bayside Ave., TAP 9, Lot 210, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling which will be located 5' from the south property line, (10' required), 16.9' from the east property line, (20' required), and which will increase the lot coverage from 22% to 36%, (20% allowed). The property owner, Eli Simon, Attorney Matthew Leys, appraiser James Houle, and architect Jeff Moniz, were present to represent the application. Objector, Mr. Ludwig, was allowed to voice objections, as it was determined he would not be available to attend the next Zoning hearing. He raised concerns with the second-floor balcony and parking in the neighborhood. Following Mr. Ludwig's objections, the Zoning Board made a motion to continue the application to the November 21, 2022 Special Meeting, due to lack of time to hear full application, testimony of witnesses, and hold discussion due to time constraints. The applicant agreed to the continuance.

The following applications were withdrawn/dismissed without prejudice:

App. #2022-Apr-1. PETITION OF LEE ANN MURRAY, applicant and owner, **7 Sharon Ct.**, TAP 39, Lot 488, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to increase the size of an existing deck by 263 sq. ft. which will be located 4' from the side property line, (10' required), and 16' from the rear property line, (20' required) and which will increase the lot coverage from 24% to 32%, (20% allowed). (Withdrawn 10/17/2022)

All other matters were continued as to the notations on the posted agenda.

Meeting adjourned at 10:25pm.