

Minutes of the  
**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, November 21, 2022, in the Council Chambers, City Hall, 43 Broadway at 6:00 p.m.

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

Girard Galvin, Assistant City Solicitor  
Nicholas Armour, Zoning Officer

ABSENT: Susan Perkins, Alternate

**D E C I S I O N S**

App. #2022-Apr-12. PETITION OF VIVIANNA & GABRIEL ROYO, applicants and owners; **28 Prospect Hill St.**, TAP 27, Lot 38, (GB zone); for a special use permit and a variance to the off-street parking design requirements for permission to operate a 5-bedroom guest house and provide only 4 off-street parking spaces which require the use of the public right of way to maneuver. The Applicant was represented by Attorney Tanner Jackson. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item 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. Riley. The motion was approved by a vote of 4-1, with Board member Johnson voting to deny the petition.

A draft decision will be prepared by Attorney Jackson.

App. #2022-Jun-2. PETITION OF WAYNE LABORE, applicant and owner; **440 Broadway**, TAP 7, Lot 438, (R-10 zone); for a use variance for permission to expand the existing dental office (expansion of professional office not allowed), with a 133 sq. ft. addition which will increase the lot coverage from 36% to 39%, (20% allowed). The Applicant was represented by Attorney Tanner Jackson. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item 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. Riley. The motion was approved unanimously by a vote of 5-0.

A draft decision will be prepared by Attorney Jackson.

App. #2022-Aug-1. PETITION OF MARK & DEANNA AMORELLO, applicants and owners; **30 Whitwell Ave.**, TAP 11, Lot 430. (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to maintain a 588 sq. ft. raised patio which increases the lot coverage from 28% to 37%, (20% allowed). Applicant represented herself, and answered questions by the Board members. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item 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. Riley. The motion was approved by a vote of 4-1, with Board member Goldblatt voting against the petition.

App. #2022-Aug-4. PETITION OF JEFF THUMSER, applicant and owner; **38 Hall Ave.**, TAP 13, Lot 001, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to add a new second-floor stairway and expand an existing second floor deck, both of which will increase the lot coverage from 33% to 37%, (20% allowed). Applicant represented himself, and answered questions by the Board members. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item 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. Riley. The motion was approved unanimously by a vote of 5-0.

App. #2022-Sept-15. PETITION OF ASH MART, INC., applicants and owners, **3 Vaughan Ave.**, TAP 40, Lot 139. (R-10 zone); for a special use permit for permission to convert a single-story, six-bay garage to a two-story, single-family dwelling with a three-car garage, on a lot with 68.2% coverage (20% permitted), front setback of 6.5' (15' required), rear setback of 1.25' (20' required), and side setbacks of 0.84' and 1.09' (10' required). The Applicant was represented by Attorney Michael Monti. No member of the public was present for the Petition, and only letter of opposition received by Staff had been subsequently withdrawn. Applicant and Representative answered questions from Board members.

A motion to approve the afore-mentioned abbreviated summary item 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. Riley. The motion was approved unanimously by a vote of 5-0.

A draft decision will be prepared by Attorney Monti.

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). Application continued from October 24, 2022 Zoning Board meeting. Applicant represented by Attorney Matthew Leys. No objectors were present at the meeting. Photos of the existing conditions were accepted into the record as Exhibit 1. Photos of balconies in the neighborhood were accepted into the record as Exhibit 2. A Letter of support was accepted into the record as Exhibit 3. Testimony was provided by the owner, Mr. Simon, who answered questions from Board members. Project Architect, Jeff Moniz, was accepted as an expert in architecture. The C.V. of Mr. Moniz was accepted as Exhibit 4. A photo of the Bayside Avenue streetscape was accepted into the record as Exhibit 4. Mr. Moniz provided testimony on the design of the house and answered questions from the Board. James Houle, Real Estate expert was present. Mr. Houle was recognized as an expert in his field. Mr. Houle answered questions from the Board members, specifically on parking concerns and the narrow street.

A motion to approve the afore-mentioned full hearing item with the condition that the project be started and substantially completed within 18 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. Riley. The motion was approved by a vote of 4-1, with Board member Rudd voting to deny the petition.

A draft decision will be prepared by Attorney Leys.

App. #2022-May-3. PETITION OF JAMES ALAN EGAN, applicant and owner; **152 Mill St.**, TAP 25, Lot 131, (GB zone); for a special use permit and a variance to the off-street parking requirements for permission to maintain a 290 sq. ft. museum use and provide 0 additional off-street parking spaces, (10 additional off-street parking spaces required). Mr. Egan represented himself, and answered questions from the Board members. No objectors were present at the meeting. One written objection had been received prior to the meeting.

A motion to approve the afore-mentioned full hearing item 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. Riley. The motion was approved unanimously by a vote of 5-0.

App. #2022-May-7. PETITION OF JOANNE CORIANDER, applicant and owner; **0 Heath St.**, TAP 18, Lot 70, (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 increase the lot coverage from 0% to 26%, (20% allowed). Attorney J. Russell Jackson represented the applicant. James Houle, Real Estate expert was present.

A motion to approve the afore-mentioned full hearing item with the condition that the project be started and substantially completed within 18 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. Riley. The motion was approved unanimously by a vote of 5-0. Mrs. Shevory voted in lieu of Mr. Grimes, who recused himself from the matter.

A draft decision will be prepared by Attorney Jackson.

App. #2022-Jun-5. PETITION OF DENNIS ROTUNNO, applicant and owner; **5 Sylvan St.**, TAP 33, Lot 95, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to install a built-in fireplace and separate grill and counter which will increase the lot coverage from 27% to 28%.

It was brought to the attention of Staff and the Board that the petition had been advertised as "5 Sylvan Street", instead of "5 Sylvan Terrace". As the newspaper ad, the agenda, and the abutters letters had referenced the wrong property, it was determined that the Board could not hear the petition, and directed Staff to re-advertise and re-notice the application for the January 3, 2023 Zoning Board meeting.

Motion to Adjourn by Mr. Rudd, seconded by Mr. Riley. Meeting adjourned at 9:10 PM.