

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, November 28, 2022, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
David Riley
Bart Grimes
Nicole Shevory, Alternate
Susan Perkins, Alternate

Girard Galvin, Assistant City Solicitor
Patricia Reynolds, Planning and Economic Development Director

ABSENT: Wick Rudd, Vice-Chair
Russell Johnson, Secretary

The minutes of the following meetings were approved:

July 25, 2022
September 26, 2022
October 13, 2022
October 24, 2022

The April 25, 2022 minutes were not considered and will be revised.

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 Summary Calendar section of the agenda was made by Mr. Riley, seconded by Ms. Shevory. The motion was unanimously approved.

App. #2022-Nov-004. PETITION OF CHRISTOPHER & MELISSA BOWLEY, applicants and owners; **42 Friendship St.**, TAP 11, Lot 737 (R-10 Zone), for a special use permit and a dimensional variance to install an HVAC unit approximately 1' from the side property line (10' required).

A motion to approve the afore-mentioned summary item with the conditions 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. Riley, seconded by Ms. Shevory. The motion was unanimously approved.

App. #2022-May-15. PETITION OF THAMES NEWPORT, LLC., applicant and owner; **282 Thames St.**, TAP 27, Lot 20, (GB zone); for a special use permit and a variance to the off-street parking requirements for permission to expand the deck and outdoor

restaurant seating area and eliminate 1 off-street parking space, (41 off-street parking spaces required).

The Applicant was represented by Attorney J. Russell Jackson. James Houle, Real Estate expert was present. Mr. Houle's report was accepted as Exhibit 1. Mr. Todd Brayton, traffic expert was present. Mr. Brayton's report was accepted as Exhibit 2. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Riley, seconded Ms. Shevory, with the conditions that the work be started and substantially completed within 18 months of the date of the decision, that the Applicant meet any conditions imposed by the City Council, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

A draft decision will be prepared by Attorney Jackson.

App. #2022-Aug-2. PETITION OF JAMES CROCKFORD, applicant and owner; **20 Spring St**, TAP 21, Lot 019-01, (R-10 zone, Historic overlay); for a special use permit and a variance to the dimensional requirements for permission to expand front entry way by 66 sq. ft. which will increase the lot coverage from 53% to 54%, (20% allowed).

The Applicant, James Crockford, presented the application. Mr. Crockford is the owner of one of the two condo units located on the parcel. No member of the public was present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Riley, seconded by Ms. Shevory, with the conditions that the Petitioner receive written authorization from the condominium association to proceed with the work as presented; that the dimensions represented in the application are for this particular property, that the association has the power to grant the Applicant the right to expand the deck in this fashion and that written authorization be provided to the zoning office prior to recording the decision, the work shall 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.

The motion was unanimously approved.

App. #2022-Aug-6. Amended PETITION OF MIRAMAR 646, LLC, owner; **0 Bellevue Ave, Yznaga Ave. and Yznaga Court**, TAP 38, Lot 003, 009, and 010. (R-60 zone, Historic overlay); for a special use permit and a variance to the dimensional requirements for permission to construct an inground pool, tennis court, tennis pavilion, and gate house as accessory structures, with existing encroachments into the front setback on Yznaga Avenue and Yznaga Court, once an administrative subdivision is reviewed and recorded to merge properties TAP 38, Lot 003, Lot 009, and Lot 010, which would increase the lot coverage from 9% to 11.3% (10% allowed).

The Applicant was represented by Attorney J. Russell Jackson. Also present were Mr. James Ramez, the Owner's designated representative, Martha Werenfels, DBVW, project architect, and James Houle, Real Estate appraiser. Mr. Houle's report was previously submitted, and accepted as Exhibit 1. The printed copy of the power point submitted by Ms. Werenfels and was accepted at Exhibit 2 and a hard copy will be submitted to the Zoning office. No members of the public were present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Riley and seconded by Ms. Shevory, with the conditions that an administrative subdivision to merge the lots be approved and recorded, that the work 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.

The motion was unanimously approved.

Attorney Jackson will prepare the draft decision.

App. #2022-Oct-9. PETITION OF BEACON ROCK, LLC, applicant and owner; **147 Harrison Ave.**, TAP 41, Lot 001, (R-120 zone); for a special use permit and a variance to the dimensional requirements to replace a pergola located 29' from side property line (50' required) and replace in-ground pool located 24' from side property line (50' required).

The Applicant was represented by Attorney Peter Regan. The project architect, Andreas Blanco was also present. No members of the public were present for the Petition.

A motion to approve the afore-mentioned abbreviated summary item made by Mr. Riley, seconded by Ms. Perkins, with the conditions 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.

The motion was unanimously approved.

Attorney Regan will prepare the draft decision.

App. #2022-Nov-003. PETITION OF SUSAN & ALAN CLARK, applicants and owners; **6 Guerney Ct.**, TAP 12, Lot 194 (R-10 Zone, Historic Overlay), for a special use permit and a dimensional variance to demolish a one-story, 7'-5"x5'-11" rear portion of the house and two rear decks, and construct a new one-story, 20'-10"x9'5" rear addition and new deck, both located 5'-3" from the side property line (10' required), which decreases the lot coverage from 38% to 36% (20% allowed).

Owners and Applicants, Susan and Alan Clark presented the petition. No members of the public were present for the Petition.

A motion to approve the afore-mentioned abbreviated summary hearing item was made by Mr. Riley, seconded by Ms. Perkins with the conditions 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.

The motion was unanimously approved.

App. #2022-Mar-14. PETITION OF LUKE FLEURY, applicant and owner; **5 Dresser St.**, TAP 31, Lot 012, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to relocate and reconstruct the existing garage and construct an inground pool which will increase the lot coverage from 15% to 24%, (20% allowed), and add a 2nd and 3rd floor deck.

Assistant Solicitor Galvin recused from consideration of this Petition. The Applicant was represented by Attorney Regan. The Applicant, Luke Fleury and the Owner, Andrew Cole were present. James Houle, Real Estate appraiser was present and presented a report, accepted by the Board as Exhibit 1. No members of the Public were present for the Petition.

A motion to approve the afore-mentioned full hearing item was made by Mr. Riley, seconded by Ms. Perkins, with the conditions that there shall be no living space above the garage, any fencing along the property line that is disturbed during construction be restored, a hedge be installed on the south side of the fence, landscape or other screening be installed to screen the pool area from the abutting property to the west, pervious pavers be used as the pool surround, 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. The motion was unanimously approved.

Attorney Regan will prepare the draft decision.

App. #2022-Mar-22. Corrected PETITION OF JASON & SARAH ADAMS, applicants and owners of **9 Goodwin Street**. The Applicants are seeking a special use permit and dimensional variance in order to utilize an existing driveway as a parking space to provide for the expansion of an existing guest house use from 2 bedrooms to 3 bedrooms. The driveway is 12.5' in width (24' required), and uses the right of way for maneuvering (not allowed). The relief requested, if granted, would satisfy the requirement for one (1) parking space per one (1) bedroom. Applying to the property located at 9 Goodwin St., TAP 35, Lot 259 (WB Zone).

The Applicants were represented by Attorney Dane Ardenite and were not present at the hearing. Doug McLean was present as an expert in land use planning and community planning. His CV was submitted and accepted by the Board. No members of the public were present to comment.

A motion to approve the afore-mentioned full hearing item was made by Mr. Riley, seconded by Ms. Perkins. After lengthy Board discussion, the afore-mentioned full hearing item failed to be approved, with Ms. Shevory voting against, Mr. Riley voting against finding the primary purpose is for financial gain, and citing concerns with parking and pedestrian safety, Ms. Perkins voting against citing parking concerns, Chair Goldblatt voting against finding that the applicant failed to prove that the proposed intensification would not harm the neighborhood and that primary purpose is for financial gain. Mr Grimes voted in favor, finding no safety issues and that the applicant made a reasonable effort to provide parking.

The motion failed with 1 in favor and 4 opposed.

The Assistant Solicitor to prepare decision.

App. #May-1. Corrected PETITION OF JOHN & ROBIN LIDINGTON, applicants and owners of **26 Mary Street**. The Applicants are seeking a dimensional variance to the off-street parking requirements for permission to provide for the expansion of an existing guest house from 2 bedrooms to 3 bedrooms. The variance requested would be for relief in the form of the requirement that the third (3rd) bedroom require an additional parking space, and the Applicants request permission to rent the third (3rd) bedroom without the third (3rd) parking space. Applying to the property located at 26 Mary St., TAP 24, Lot 92, (GB Zone).

The Applicants were represented by Attorney Dane Ardenite and were not present at the hearing. Doug McLean was present as an expert in land use planning and community planning. His CV was submitted and accepted by the Board. No members of the public were present to comment.

A motion to approve was made by Mr. Riley, seconded by Ms. Perkins. After lengthy Board discussion, the afore-mentioned full hearing item failed to be approved, with Mr. Riley voting against stating the this would be injurious to the neighborhood and citing the existing parking issues on Mary Street, Ms. Shevory voting against stating that the applicant did not meet the burden of proof, Mr. Grimes voting against stating that creating more parking havoc on Mary Street would be harmful to the neighborhood and that the primary purpose is for financial gain, Ms. Perkins voting against agreeing with concerns raised by Board Members.

The motion failed with 0 in favor and 5 opposed.

Assistant Solicitor to prepare decision.

App. #2022-Jun-6. PETITION OF CARPE NOCTEM REAL PROPERTY, LLC, applicant and owner; **105 Broadway**, TAP 21, Lot 196; for a special use permit for permission to convert the former retail/gas station into a commercial parking lot.

The Applicant was represented by Attorney Regan. Mark St. Laurant, partner/owner and Project Engineer, Molly Titus, Project Engineer, were present for the Petition. Ms. Titus submitted her resume as Exhibit 1. James Houle, real estate expert, was also present. No members of the public were present to comment.

A motion to approve the afore-mentioned full hearing item was made by Mr. Riley, seconded by Ms. Perkins, with the conditions 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. The motion was unanimously approved.

Attorney Regan to prepare the draft decision.

All remaining Petitions were continued.