Minutes of the

**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, January 4, 2021, via the Zoom meeting platform at 7:00 p.m.

PRESENT: Chuck Allott, Chair

Bart Grimes

Russell Johnson

David Riley

Wick Rudd

Robert Buzard Secretary

Samuel Goldblatt

Guy Weston, Zoning Officer

Girard Galvin, Assistant City Solicitor

Nancy Caron, Stenographer, Allied Court Reporters

ABSENT:

**DECISIONS**

A motion was made by Mr. Rudd to approve, PETITION OF HOWARD WHARF, LP, applicant and owner; for a special use permit for permission to construct a 21-room transient guest facility with a standard restaurant applying to the property located at 24 Lee’s Wharf a/k/a 5 Howard Wharf, TAP 32, Lot 314, (WB zone).

A motion to approve the PETITION OF JOSEPH & BRENDA BAGINSKI, applicants and owners; for a variance to the dimensional requirements for permission to construct a new single-family dwelling which will increase the lot coverage from 0% to 31%, (20% allowed), applying to the property located on Keeher Ave., TAP 11, Lot 748, (R-10A zone). Motion to approve was made by Mr. Rudd, seconded by Mr. Buzard. James Houle was the real estate expert. Attorney J.Russell Jackson represented the applicants. The application was approved with the condition of no third floor living space and is to be substantially completed within 18 months of the date of the decision.

The following petitions were approved summarily:

PETITION OF MATTHEW LEDUC, applicant and owner; for special use permit and a variance to the dimensional requirements for permission to construct a stairway extension which will be located 3’ from the east property line, (10’ required), and which will increase the lot coverage from 42% to 43%, (20% allowed), applying to the property located at the 11 Vaughan Ave., TAP 40, Lot 221, (R-10 zone).

PETITION OF MIDCLIFF, LLC, applicant and owner; for a special use permit and variance to the dimensional requirements for permission to place a transformer and generator 4’ from the east property line, (20’ required) and 12’ from the north property line, (50’ required); place an enclosed utility yard 1.5’ from the east property line, (40’ required); construct a 50 sq. ft. basement access addition 31’ from the east property line, (40’ required); and construct a 630 sq. ft. porch addition on the westerly side of the dwelling which will be located 23’ from the west property line, (40’ required); applying to the property located at 229 Ruggles Ave., TAP 36, Lot 51, (R-60 zone).

PETITION OF GREGORY GENTILE, applicant and owner; for a variance to the dimensional requirements for permission to construct a 7' x 13', inground pool, a 6.75’ x 23’ deck and a 9’ x 12’ deck, which will increase the lot coverage from 15% to 17%, (15% allowed), applying to the property located at 116 Old Beach Rd., TAP 23, Lot 170, (R-20 zone). Attorney Peter Regan represented the applicant.

PETITION OF JEFF BROOKS, applicant and owner; for a special use permit and a variance for permission to construct a 1st and 2nd floor deck addition which will increase the lot coverage from 38% to 40%, (20% allowed), applying to the property located at 11½ Newport Ave., TAP 14 Lot 133, (R-10 zone).

PETITION OF MARY BETH GARRETT, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new 45 sq. ft. front porch addition which will increase the lot coverage from 23% to 24%, (20% allowed), applying to the property located at 63 Bliss Mine Rd., TAP 11, Lot 631, (R-10A zone).

The following petition was approved as abbreviated summary:

Mr. Rudd made a motion to approve Amended PETITION OF STEPHEN MONK & PAUL BREINER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 160 sq. ft. first floor deck and a 49 sq. ft. second floor deck and add two second floor dormers to the existing detached garage which is located 3.66’ from the south property line, (5’ required), applying to the property located at 79 Prospect Hill St., TAP 27, Lot 59, (R-3 zone). Greg Yalanis architect. Mr. Buzard seconded the motion was unanimously approved and must be substantially completed within 12 months this of the date of decision.

A motion was made by Mr. Rudd to approve the PETITION OF MICHAEL & ELIZABETH TOPPA, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct an "optional second floor deck" which will be located approximately 32' from the east property line, (40' required), and a 20' x 14' single-story addition which will be located 14' from the west property line, (40' required), and which will increase the lot coverage from 16% to 18%, (15% allowed), applying to the property located at 71 Harrison Ave., TAP 42, Lot 4, (R-40 zone). Attorney Turner Scott represented applicants. Mr. Buzard seconded the motion and it was unanimously approved with the condition there be no second floor. Project must be substantially completed within 12 months of the date of decision.

A motion was made by Mr. Rudd to approve the PETITION OF EILEEN CREATON, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new 44 sq. ft. , 2-story addition which will be located 6’ from the east property line, (10’ required), and a 140 sq. ft. front porch and stair addition which will increase the lot coverage from 23% to 28%, (20% allowed), applying to the property located at 8 Dana St., TAP 11, Lot 737, (R-10A zone). Daniel Herchenrother was the architect. Mr. Buzard seconded the motion and it was unanimously approved and must be substantially completed within 12 months of the date of decision.

The following petitions have been withdrawn without prejudice:

PETITITON OF SEAN NAPOLITANO, applicant; A-1 ROOFING & CONSTRUCTION, owner; for a variance to the density requirements for permission to convert the structure from a single-family dwelling into a two-family dwelling, (new two-family dwelling not allowed), applying to the property located at 46 Church St., TAP 24, Lot 154, (GB zone).

PETITION OF TIM MANNING, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a full second story addition to the existing detached garage which will be located 1’ from the east property line, (10’ required), and which will increase lot coverage from 30% to 31%, (20% allowed), applying to the property located at 25 Thurston Ave., TAP 7, Lot 51, (R-10 zone).

The following petitions were continued to Monday, January 25, 2021:

PETITION OF LUKE & CYNTHIA MURRAY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage structure and construct a single-family dwelling which is located 2.5' from the north property line, (10' required), 3.6' from the west property line, (20' required), and which will increase the lot coverage from 39% to 45%, (20% allowed), applying to the property located on Tews Ct., TAP 26, Lot 32, (R-10 zone).

PETITION OF L. ROSS SINCLAIR & DIANE KAZARIAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and build a new single-family dwelling which will be located 22’ from the east property line, (50’ required), and 18.8’ from the south property line, (40’ required), and which will reduce the lot coverage from 17.8% to 17.7%, (10% allowed), applying to the property located at 40 Castle Hill Ave., TAP 44, Lot 92, (R-40A zone).

PETITION OF JOHN DUKES, applicant; Lee & Thames Associates, owner; for a special use permit for permission to construct a new 16’ x 18’ rooftop deck addition applying to the property located at the corner of 550 Thames St. and 6 Lee Ave., TAP 35, Lot 257, (LB zone

PETITION OF ELIZABETH ENOCHS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and construct a larger single-family dwelling, shed and pool house all of which will increase the lot coverage from 12% to 14%, (10% allowed). New dwelling to be 24.3’ from east property line and 36.5’ from west property line, (40’ required). Proposed shed to be located 5.75’ from the east property line and proposed pool house to be located 13’ from the east property line, (20’ required), applying to the property located at 3 Gordon St., TAP 36, Lot 90, (R-60 zone). (Continue to January 25, 2021)

APPEAL OF MR. & MRS. LES HELMERS, appellant and owner; appealing the decision of the Historic District Commission on the denial of a roof addition applying to the property located at 28 Ann St., TAP 27, Lot 155, (R-10 zone). (Continue to January 4, 2020)

APPEAL OF MR. JASON PERKINS, appellant; NRI 12 GOODWIN ST PARTNERSHIP, owner; appealing the issuance of building permit #125985 applying to the property located at 12 Goodwin St., TAP 35, Lot 244, (WB zone).

PETITITION OF SEAN & JESSICA QUIRK, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a rear deck and stair addition, a36’ x 16’ inground pool and convert the existing non-conforming garage into storage, a pool house and a bathroom. Said additions will increase the lot coverage from 19% to 29%, (20% allowed), applying to the property located at 122 Ruggles Ave., TAP 40, Lot 346, (R-10A zone).

APPEAL OF TIMOTHY & MAUREEN WEST, appellants and owners; appealing the decision of the Historic District Commission denying permission to replace a slate roof with an asphalt roof and remove existing dormers, applying to the property located at 45 Everett St., TAP 22, Lot 17, (R-10 zone). (awaiting brief and transcripts)

PETITION OF JUAN & ALBA CAMPOS, applicants and owners; for special use permit and a variance to the dimensional requirements for permission to demolish the existing garage and construct a 32’ x 20’, 2-1/2 story, detached single-family dwelling on the property, (One principal building per lot allowed), which will increase the lot coverage from 26% to 27%, (20% allowed), applying to the property located at 132 Evarts St., TAP 10, Lot 203, (R-10 zone).

PETITION OF KEVIN & PATRICIA MEEHAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct 3 new building each with 4 dwelling units and renovate the existing from 2 dwelling unit building, and convert the existing carriage house into a single dwelling for a total of 15 dwelling units, (one principle use per lot allowed), which will increase the lot coverage from 9% to 28%, (20% allowed), applying to the property located at 15 & 17 Sylvan St., TAP 33, Lot 36, (R-10 zone). ((Cont. to January 4, 2021 pending review by the Planning Board and the Technical Review Committee.)

PETITION OF JAMES GREENE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to maintain a new 1st floor deck which was constructed 4.5’ from the south property line, (10’ required), and which increased the lot coverage from 30% to 34%, (20% allowed), applying to the property located at 209 Third St., TAP 9, Lot 350, (R-10 zone). (Continue to January 25, 2020 for readvertisement.)

PETITION OF STEPHEN & CRISTA DURAND, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to structure an outdoor grill/refrigerator structure which will be located 0’ from the south property line and 1’ from the east property line, (10’ required), and an outdoor shower all of which will increase the lot coverage from 60% to 63%, (20% allowed), applying to the property located at 5 Whitfield Pl., TAP 21, Lot 220, (R-10 zone).

PETITION OF ERICA MANNION, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing deck and replace with a covered porch and stairs which will increase the lot coverage from 26% to 29%, (20% allowed), applying to the property located at 11 West St., TAP 32, Lot 133, (R-10 zone). (Continue to January 25, 2020 for readvertisement.)

PETITION OF STEPHEN & CRISTA DURAND, applicants; 130 TOURO STREET LLC owner; for a special use permit and a variance to the dimensional requirements for permission to structure an outdoor grill/refrigerator structure which will be located 0’ from the north property line and 1’ from the east property line, (10’ required), and an outdoor tv structure which will be located 5’ from the north property line, (10’ required), applying to the property located at 130 Touro St., TAP 21, Lot 121, (R-10 zone).

PETITION OF JEFFREY LIPSHIRES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1½-story addition and a second floor dormer addition to the existing detached garage which will be located 2.5’ from the south and west property lines, (10’ required),which will increase the lot coverage from 19% to 23%, (20% allowed), applying to the property located at 45 Kay St., TAP 22, Lot 104, (R-10 zone).

PETITION OF CHRISTOPHER WILLIAMS, applicant and owner; for a variance to the dimensional requirements for permission to construct a 288 sq. ft. inground pool which will be located 8’ from the east property line, (10’ required), and which will increase the lot coverage from 44% to 51% (20% allowed) applying to the property located at 9 Peckham Ave., TAP 7, Lot 107, (R-10 zone).