Minutes of the

**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, March 22, 2021, via the Zoom meeting platform at 6:30 p.m.

PRESENT: Chuck Allott, Chair

Bart Grimes

Russell Johnson

David Riley

Robert Buzard Secretary

Samuel Goldblatt

Wick Rudd

Guy Weston, Zoning Officer

Girard Galvin, Assistant City Solicitor

Nancy Caron, Stenographer, Allied Court Reporters

ABSENT:

**DECISIONS**

Action item:

Request for extension of Approval:

A request for a (12) twelve month extension PETITION OF DENNIS ROTUNNO, TRUSTEE, applicant and owner; special use permit and a variance to the dimensional requirements for permission to construct a 14' x 20', 1-1/2 story garage, which will be located 5' from the west and south property lines, (10' required), and which will increase the lot coverage from 23% to 29%, (20% allowed), applying to the property located at 5 Sylvan Ter., TAP 33, Lot 95, (R-10 zone). Was unanimously approved. Mr. Rudd made a motion, Mr. Buzard seconded and it was approved with the condition there be no connection to between the house and garage, all invoices due to the city for abutter invoices have been paid before the decision is recorded. Attorney Peter Regan represented the applicant.

A request for an (18) eighteen month extension PETITITON OF NICKOLAI PAWLENKO, applicant and owner; for a variance to the dimensional requirements for permission to construct a 2-story detached garage which will be located 2' from the west property line, (15' required), and which will increase the lot coverage from 19% to 28%, (20% allowed), applying to the property located at 1 Kyle Ter., TAP 6, Lot 311, (R-10 zone). (Requesting an 18-month extension.) was unanimously approved. Mr. Rudd made a motion to approve, Mr. Buzard seconded and it was unanimously approved.

A request for a (12) twelve month extension PETITION OF CAROLINE RICHARDS, applicant and owners; for a variance to the dimensional requirements for permission to construct a 2½ story garage addition which will be located 7.33' from the south property line, (10' required), and which will increase the lot coverage from 15% to 25%, (20% allowed), applying to the property located at 6 Binney St., TAP 41, Lot 255, (R-10A zone). Was unanimously approved. Mr. Rudd made a motion to approve, Mr. Buzard seconded and the extension was approved.

Decisions:

A motion to approve PETITION OF LES HELMERS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor addition which will be located 0’ from the east property line, (3’ required), applying to the property located at 28 Ann St., TAP 27, Lot 155, (R-3 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and the petition was unanimously approved. The project should be substantially completed within (12) twelve months of the date of decision. All invoices due to the city for abutter notices be paid prior to recording the decision. Attorney J. Russell Jackson represented the applicant.

A motion to sustain 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). Was unanimously approved. Mr. Rudd recused himself on this petition. Mr. Johnson made a motion to sustain, Mr. Buzard seconded the motion was unanimously approved with voting members being Mr. Johnson, Mr. Buzard, Mr. Grimes, Mr. Goldblatt and Mr. Allott. Attorney J. Russell Jackson represented the applicant.

The following petitions were approved as abbreviated summaries:

A motion to approve the Amended 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’ 24.9’ 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% 16.5%, (10% allowed), applying to the property located at 40 Castle Hill Ave., TAP 44, Lot 92, (R-40A zone). A motion was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved with 8 conditions. Conditions are as follows: AGREED CONDITIONS OF APPROVAL

40 CASTLE HILL AVENUE

1. The first floor footprint of the house with roof overhangs, but excluding the garage and covered porch will be 2,442.5 square feet. This will result in lot coverage for the house of 11.99%. The total footprint including the garage and porch will be 3,372 square feet, resulting in total lot coverage of 16.5%.

2. The footprint of the covered porch will be 283.5 square feet, including roof overhangs.

3. The foundation footprint of the garage will be 575 square feet. With roof overhangs included, the total square footage counted toward lot coverage will be 646 square feet.

4. The second floor living space above the garage will not exceed 375 square feet. The space will be located on the east side of the house facing Janet Terrace and on the other side of the main roof from Sebastiao.

5. No building on the Sinclair property, including the house or the garage, shall exceed thirty feet (30’) in height.

6. Upon approval of the Application, as amended, Sinclair will immediately and permanently remove the existing drainage pipes which direct surface and storm water runoff and discharge from the Sinclair property to the Sebastiao property. There will be no future installation of drainage pipes or other features that direct or discharge surface and storm water runoff onto the Sebastiao property. To the extent reasonably feasible and consistent with applicable regulations, any such future installations shall direct water towards Janet Terrace.

7. Sinclair will repair and maintain the existing concrete block wall to eliminate leaning or potential structural failure.

8. Sebastiao will continue to trim and maintain the hedges adjacent to the boundary line and nearby trees to their current height twice per year, as she has done for the last 20 years.Attorney Peter Regan represented the applicant and J. Russell Jackson represented an objecting abutter. The petition was approved with the condition all invoices to the city for abutter notices be paid before recording and the project be substantially completed within (18) eighteen months.

A motion to approve Amended PETITION OF BCM REALTY PARTNERS, LLC, applicants; ST. AUGUSTIN’S CHURCH OF NEWPORT, owner; for a special use permit and a variance to the dimensional requirements for permission to convert the existing convent/rectory and 2 dwelling units into a multi-family dwelling with 4 dwelling units and construct a 8’ x 17’ storage shed which will be located 3’ from the east property line, (10’ required), and which will increase the lot coverage from 39% to 40%, (20% allowed), applying to the property located at 2 Eastnor Rd., TAP 40, Lot 192, (R-10 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved with conditions as follows: (1) that the project be substantially completed within twelve (12) months of the date of Decision; and, (2) that any advertising costs be paid in full before the decision is recorded; (3) that any rentals will be limited to a minimum period of a one month, and no unit may be rented more than 3 times per year; (4) that no bedrooms at the property may be rented separate and apart from the dwelling units as a whole; (5) that the property will have 8 off-street parking spaces; and, (6) that there will be no rooftop decks. The project should be substantially completed within (18) eighteen months and all invoices due to the city for abutter notices be paid prior to recording of the decision. Peter Regan represented the applicant. Mr. Johnson recused himself as a neighbor.

A motion to approve PETITION OF CAMERON & MICHAELA STEWART, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-story rear addition which will be located 3.75’ from the south property line, (10’ required), a gas fireplace which will be located 2’ from the south property line, (10’ required), and add a new 12’ x 26’ rear deck with stairs all of which increase the lot coverage from 18% to 26%, (20% allowed), applying to the property located at 114 Champlin Pl. North, TAP 20, Lot 203, (R-10A zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved. The project must substantially completed within (12) twelve months and all invoices due to the city must be paid prior to the recording of the decision. Attorney J. Russell Jackson represented the applicant.

A motion to approve PETITION OF WILLIAM & CRISTINA HEIDEN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to slightly increase the existing garage and family room which will be located 5.75’ from the north property line, (10’ required) and which will increase the lot coverage from 28.5% to 29%, (20% allowed), applying to the property located at 18 Cliff Ave., TAP 31, Lot 122, (R-10 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved to be substantially completed within (12) twelve months of the date of decision and that all invoices due to the city are paid prior to recording of the decision.

A motion to approve PETITION OF REBECCA KANE & ERNEST DEWITT, JR. for a special use permit and a variance to the dimensional requirements for permission to construct a 16’ x 32’ inground pool which will increase the lot coverage from 21% to 26%, (20% allowed), applying to the property located at 27 Sheffield Ave., TAP 10, Lot 250, (R-10 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved with the condition that the stairs are to be within the setbacks and the project be substantially completed within (12) twelve months. All invoices due to the city for abutter notices must be paid prior to recording the decision.

A motion to approve PETITION OF LAUREN HADLEY, applicant; HADLEY ENTERPRISES, LLC, owner; for a special use permit and a variance to the dimensional requirements for permission to 12’ x 20’ inground pool which will increase the lot coverage from 10.6% to 11.2%, (10% allowed), applying to the property located at 673 Bellevue Ave., TAP 38, Lot 22, (R-60 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved with the condition that the deck and carport be taken down and the area of where the pool is going will not be built on in the future. The project must be substantially completed within (12) twelve months of the date of decision and all invoices due to the city for abutter notices be paid prior to recording the decision. Attorney Gregory Fater represented the applicant.

A motion to approve PETITION OF GERALD & MARGARET VENTO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to 36’ x 20’ inground pool which will increase the lot coverage from 10% to 11%, (10% allowed), applying to the property located at 529 Bellevue Ave., TAP 37, Lot 44, (R-60 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and unanimously approved with the condition there be nothing built in the future over the pool area. The project must be substantially completed within (12) twelve months of the date of decision. All invoices due to the city for abutter notices be paid prior to recording the decision. Attorney Peter Regan represented the applicant.

A motion to approve PETITION OF ANTHONY DEFALA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to expand a third floor dormer which will be located 6' from the west property line, (10' required), applying to the property located at 8 Marin St., TAP 21, Lot 185, (R-10 zone). Was made by Mr. Rudd, seconded by Mr. Buzard and was unanimously approved with the condition they remove the hot tub. The project should be substantially completed within (12) twelve months of the date of decision and all invoices due to the city for abutter notices be paid prior to recording the decision.

The following petition was approved summarily:

A motion to approve PETITION OF MATTHEW CHASE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace the existing shed with a 16’ x 18’ shed which will be located 3’ from the north property line, (10’ required), and which will increase the lot coverage from 20% to 24%, (20% allowed), applying to the property located at 21 Peckham Ave., TAP 7, Lot 175, (R-10 zone).

A motion to approve PETITION OF KELLY & GERRY MAUER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 22’ x 21.75’, single-story sunroom and mudroom addition which will increase the lot coverage from 22% to 26%, (20% allowed), applying to the property located at 33 Tilden Ave., TAP 17, Lot 39, (R-10 zone).

A motion to approve PETITION OF ALYSE WILLIAMS & ROBERT TOROBIO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to raise the ridge of the existing roof from 28’ to 33’, (30’ allowed), applying to the property located at 2 Rowland Rd., TAP 7, Lot 415, (R-10 zone).

A motion to approve PETITION OF KATE W. HAAKONSEN, TRUSTEE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct 2, second floor dormers which will be located 3.5’ from the west and 4’ from the east property lines, (10’ required), and 3.5’ from the south property line, (20’ required), applying to the property located at 7 South Baptist St., TAP 32, Lot 188, (R-10 zone). Attorney Peter Regan represented the applicant.

A motion to approve PETITION OF CHERYL FORD, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 9’ x 12’ shed which will be located 2’ from the north property line and 5’ from the west property line, (10’ required), and a new bulkhead which will be located 8.9’ from the north property line, (10’ required), applying to the property located at 19 Aborn St., TAP 11, Lot 383, (R-10A zone).

A motion to approve PETITION OF JARED & SARA FELDMAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place an air conditioning condenser 3’ from the south property line, (10’ required), applying to the property located at 24 Keeher Ave., TAP 11, Lot 705, (R-10A zone).

A motion to approve PETITION OF STUART HEBB, applicant and owner; for a variance to the dimensional requirements for permission to construct a 24’ x 17’ porch roof addition which will increase the lot coverage from 20% to 23%, (20% allowed), applying to the property located at 21 Prairie Ave., TAP 20, Lot 220, (R-10 zone). There was no one present at the meeting for this the petition, it was approved without objection.

A motion to approve PETITION OF STEPHEN CAVAGNARO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 18’ x 10’ rear, 1st floor deck addition which will be located 9.25’ from the west property line, (20’ required), 7’ from the north property line, (10’ required), and which will increase the lot coverage from 24% to 28%, (20% allowed), applying to the property located at 89 Roseneath Ave., TAP 41, Lot 103, (R-10 zone).

The following petitions were withdrawn without prejudice:

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). (Withdrawn) withdrawn without prejudice.

The following petitions were continued to Monday, April 26, 2021:

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. pending review by the Planning Board and the Technical Review Committee.)

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 DENNIS & KATHY TIGHE, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing and construct a new 2½ detached dwelling/garage unit which will be located 5’ from the north property line, (10’ required), applying to the property located at 33 Merton Rd., TAP 29, Lot 157, (R-10 zone)

PETITION OF DONALD TOFIAS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story, 19.5’ x 27.33’ greenhouse addition which will increase the lot coverage from 18% to 20%, (10% allowed), applying to the property located at 79-83 Dixon St., TAP 35, Lot 282, (R-60 zone).

PETITION OF MICHAEL ROBINSON & ORLANDO ZAMBRANO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place 2 air conditioner condensers 2’ from the south and west property lines, (10’ required), applying to the property located at 41 Hunter Ave., TAP, 23, Lot 108, (R-10A zone).

PETITION OF ERIC PICARD, applicant and owner; for a special use permit and variance to the off-street parking requirements for permission to convert one of two existing dwelling units and a professional office into a 5-bedroom guest house and provide 5 off-street parking spaces, (7 off-street parking spaces required), applying to the property located at 37 Powell Ave., TAP 11, Lot 56, (R-10 zone). (Cont. to April 26, 2021 pending review by the Planning Board).

PETITION OF EDWARD McCARTHY, JR., applicant and owner; for a special use permit to convert the existing single-family dwelling into a two-family dwelling applying to the property located at 18 Keeher Ave., TAP 11, Lot 262, (R-10A zone). (Cont. to April 26, 2021 pending review by the Planning Board)

PETITION OF DONALD OCCASO, applicant and owner; for a use variance for permission to convert the existing building from 2 dwelling units and a professional office into 3 dwelling units, (3 dwelling units not allowed), applying to the property located at 292 Broadway, TAP 14, Lot 23-4, (R-10 zone). (Cont. to April 26, 2021 pending review by the Planning Board)

PETITION OF ANDREW & AVANI McHUGH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and construct a 3-story dwelling which will be located 7' from the east property line and 7.5’ from the west property line, (10' required), 5' from the south property line, (20' required), and which will have a lot coverage 40%, (20% allowed), applying to the property located at 2 Wheatland Ct., TAP 37 Lot 36-4, (R-10A zone).

APPEAL OF KEVIN RINALDI-YOUNG, appellant and owner; appealing the decision of the Historic District Commission denial of elevate the existing structure to provide a garage at grade and making other changes to the building, applying to the property located at 5 Russo Ct., TAP 21, Lot 160, (R-3 zone).

APPEAL OF DAVID ELWELL, appellant and owner; appealing the decision of the Historic District Commission denial of an application for the construction of a 23’ x 26’ attached garage, modification of the existing main entrance, the repairing and relocating of various windows and exterior doors, the restoration and repair of an existing slate roof, and the replacement of sidewall shingles, applying to the property located at 96 Harrison Ave., TAP 41, Lot 10.5, (R-40 zone).