Minutes of the

**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, April 26, 2021, via the Zoom meeting platform at 6:30 p.m.

PRESENT: Chuck Allott, Chair

Bart Grimes Vice Chair

Russell Johnson Acting Secretary

David Riley

Samuel Goldblatt

Guy Weston, Zoning Officer

Girard Galvin, Assistant City Solicitor

Nancy Caron, Stenographer, Allied Court Reporters

ABSENT: Rob Buzard

Wick Rudd

**DECISIONS**

Action item:

A motion to approve the 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). Was made by Mr. Johnson and seconded by Mr. Goldblatt. The archietect was Madeline Melchert and the real estate expert was James Houle. Attorney J. Russell Jackson represented the applicant. The petition was approved unanimously. The project should be started and substantially completed within (12) twelve months and all invoices to the city be paid prior to the recording of the decision.

A motion to approve the 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). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved and should be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city be paid prior to recording the decision.

A motion to approve the 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). Was made by Mr. Johnson, seconded by Mr. Goldblatt. Attorney Gregory F. Fater represented the applicant. The petition was unanimously approved to be started and substantially completed within (12) twelve months. All invoices due to the city must be paid prior to the recording of the decision.

A motion to approve the PETITION OF DANIEL McGREGOR, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 14’ x 20’ living room addition which will increase the lot coverage from 20% to 24%, (20% allowed), applying to the property located at 4 Cliff Ave., TAP 31, Lot 75, (R-10 zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved, to be started and substantially completed within (12) twelve months from the date of decision. All invoices due to the city must be paid prior to recording the decision.

A motion to approve the PETITION OF SCOTT & JULIE WOOLHOUSE, applicants and owners; for a special use permit and variance to the dimensional requirements for permission to replace an 8’ x 14’ shed with a 10’ x 14’ shed which will be located 2’ from the north and east property lines, (10’ required), applying to the property located at 7 Homer St., TAP 9, Lot 22.4, (R-10 zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved. The project must be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city must be paid prior to recording the decision.

A motion to approve the PETITION OF MICHAEL & MELISSA DANKS, applicants and owners; for a variance to the dimensional requirements for permission to place a 10’ x 14’ shed 3’ from the west property line, (10’ required), applying to the property located at 22 Shields St., TAP 40, Lot 467, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved. The project should be started and substantially completed within (12) months of the date of decision and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF WILLIAM STOUT, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a standby generator 7’ from the south property line, (10’ required), applying to the property located at 235 Gibbs Ave., TAP 20, Lot 194, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved to be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF WILLIAM & SHARI DAILEY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a second-floor bathroom addition which will be located 3.3’ from the east property line, (10’ required), applying to the property located at 9 Ellery Rd., TAP 20, Lot 83, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved. The project must be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF KATHRYN & EDWARD STREATOR, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct an entry foyer, add dormers to the existing garage for a bedroom use within the 50’ required west side property line applying to the property located at 125 Brenton Rd., TAP 43, Lot 71, (R-160 zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved. The project must be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city for abutter invoices be paid prior to recording the decision.

A motion to approve the PETITION OF PAMELA GIANNINI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place 2 wall-mount air conditioning condensers 4.4’ from the north property line, (15’ required), applying to the property located at 173 Rhode Island Ave., TAP 26, Lot 87, (R-20 zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. Attorney Matthew H. Leys represented the applicant. The project should be started and substantially completed within (12) twelve months of the date of decision. All invoices due to the city be paid prior to the recording of the decision.

A motion to approve the PETITION OF SPRUCE HOMES, LLC, applicants; LOUIS ALVES, owner, for a special use permit and a variance to the dimensional requirements for permission to add a second story addition which will be located 3.8’ from the east property line, (10’ required), applying to the property located at 9 Loyola Ter., TAP 11, Lot 563, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was approved unanimously. Attorney David Martland represented the applicant. The project should be started and substantially completed within (12) twelve months and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF KENNETH APICERNO, TRUSTEE, applicant and owner, for a variance to the dimensional requirements for permission to place two air conditioning condensers 7.5’ from the south property line, (10’ required), and a standby generator which will be located 8.5' from the south property line, (10' required), applying to the property located at 1 Cliff Ter. TAP 31, Lot 55, (R-10 zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved with the condition that testing be done during the hours of 9am-5pm on Monday-Friday. Attorney Peter B. Regan represented the applicant. Any invoices due to the city will be paid prior to recording the decision.

A motion to approve the PETITION OF KIMBERLY SABBAGH, applicant and owner: for a special use permit and a variance to the off-street parking requirements for permission to the existing retail space into a fast-food restaurant and provide 0 additional off-street parking spaces, (4 additional off-street parking spaces required), applying to the property located at 425 Thames St., TAP 32, Lot 21, (WB zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt and unanimously approved. The project should be started and substantially completed within (12) twelve months. Any invoices due to the city be paid prior to the recording of the decision.

A motion to approve the PETITION OF ERIKA MCENENY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing rear deck and reconstruct and add a 7’ x2’ outdoor kitchen which will increase the lot coverage from 24.7% to 25.4%, (20% allowed), applying to the property located at 12 Champlin Place, TAP 20, Lot 158, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved, all invoices due to the city be paid prior to the recording of the decision.

A motion to approve the PETITION OF MICHAEL & EVELYN FISHMAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 15’ x 21’ addition which will be located 13.75’ from the south property line, (20’ required), and which will increase the lot coverage from 20% to 23%, (20% allowed), applying to the property located at 6 Murray Pl., TAP 37, Lot 111, (R-10A zone). Was made by Mr. Johnson, seconded by Mr. Goldblatt. The petition was unanimously approved. The project should be started and substantially completed within (12) twelve months from the date of decision and all invoices due to the city are paid prior to recording the decision.

The following petition was withdrawn without prejudice:

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 south property line, (10’ required), applying to the property located at 33 Merton Rd., TAP 29, Lot 157, (R-10 zone). (To be withdrawn) withdrawn without prejudice.

The following petitions were denied:

A motion to approve the Amended 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, a 36’ 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% 22%, (20% allowed), applying to the property located at 122 Ruggles Ave., TAP 40, Lot 346, (R-10A zone). Was made by Mr. Johnson, Mr. Grimes seconded the motion. Attorney Nicholas Nardone represented the applicant. Attorney Peter B. Regan represented the objector. The petition was denied after Mr. Goldblatt and Mr. Allott both voted nay.

The following petitions were continued to Monday, May 24, 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).

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 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 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).