



Annual Report of the
Planning Board
City of Newport, Rhode Island
2019

Table of Contents

From the Chair	3
Attendance	5
Petitions Reviewed	6
Certification of Consistency with the Comprehensive Plan:.....	6
Demolition Approval:.....	6
Development Plan review:.....	6
General Finding of Consistency with the Goals and Policies of the Comprehensive Plan for the Zoning Board of Review:.....	6
Subdivisions:.....	7
Zoning Amendments Finding of Consistency with the Comprehensive Plan and Recommendation for Approval:.....	8
Action Items.....	9
Zoning Amendments	9
Short-Term Rentals.....	9
North End Zoning	9
Review of Subdivision Regulations	9
Transportation Master Plan	9
Demolition Approval Form.....	10
Pell Bridge Approaches Draft Environmental Assessment.....	10
Meeting Schedule.....	10
Trainings.....	11
Staff.....	12

From the Chair

Dear Mayor Bova and members of the Newport City Council:

The year 2019 began with a new slate of officers and a resignation from the City Planner. More change ensued with the hiring of a new City Planner, and later in the year, a new Director of Planning and Economic Development. The Planning Board welcomes the robust support of our new professional staff. With their advice, the Board has embarked on a number of planning endeavors that will advance the goals of the Comprehensive Plan.

State mandated revisions to bring the zoning code into compliance with the 2017 Comprehensive Plan were not completed in the year 2018, nor the year 2019. This resulted in a cascade of events that defined the year for both the Board and the community. Most notably, the Board recommended a six-month moratorium on construction in the city's North End. We are pleased that new staff have assisted the Board in charting a course for positive future development that will surely benefit both the public and development community.

In December, the City hired a consultant planning team, led by the Boston office of NBBJ, to develop a North End Urban Plan. This plan will provide visual guidance for future development in the North End, and will work in tandem with a new zoning ordinance created specifically for developable land made available by RIDOT's Pell Bridge Ramp Realignment. The City has convened a working group to develop zoning for this area. The working group will carefully consider the analysis and proposals of the planning consultants, as it develops dimensional/use regulations and design standards. With this in mind, a zoning update for the entire City is overdue. Almost 80% of Newport properties are nonconforming. This presents two distinct problems: The zoning approval process is often backlogged and dimensional constraints are ill-suited to large swaths of urban fabric. While the NBBJ designers will help to improve zoning in the North End, there are other zoning concerns throughout the City.

Traffic and parking are perennial concerns. Concurrently, the City is embarking on a much-needed Transportation Master Plan. Indeed, all proposals reviewed by the Planning Board eventually devolve to discussions of traffic and parking. It is becoming clear to the Board that transportation problems may inhibit much needed economic development. Melissa Pattavina, ex-Planning Board Chair and a professional transportation planner, is leading the transportation effort. With her lead, this year the City engaged in multiple outreach events to solicit public input on transportation concerns. In the near future, the City will seek transportation consultant proposals.

Additionally (and for various reasons), demolition continues to vex the Planning Board, especially as it relates to historic preservation. Presently, the HDC approves demolition for structures within the local historic districts (LHD), while the Planning Board reviews demolition for all structures outside the LHD. The City lacks a unified and coherent process for approving demolition of historic structures across the departments. Notably, this year the State Preservation Office furnished the City with erroneous reporting, adding confusion to the process. Newport's historic architecture directly contributes to the city's prosperity and the State coffers. Without such properties the city will attract fewer visitors. Demolition, as it is presently regulated and administered, adversely impacts the city's historic assets, urban fabric and future property values.

Hot button issues such as short-term rentals, large scale development, hotel construction and zoning changes persisted through the year. These issues dominated public discourse and activated

local citizens. Short-term rentals (STRs) create dark houses and undermine neighborhood cohesion. Therefore, the Board has adopted an informal policy of supporting owner-occupied STRs. Large-scale development may interfere with waterfront access and may overload scarce resources and services. Understandably, the community has seized upon hotel construction as emblematic of disruption, perhaps because it tethers Newport to a tourism economy. The City has yet to form a comprehensive approach to effectively manage large-scale change (which is absolutely necessary for the community to thrive).

Sincerely,

A handwritten signature in black ink that reads "Kim Salerno". The signature is written in a cursive style with a long horizontal stroke at the end.

Kim Salerno
2019 Chair
City of Newport, Rhode Island Planning Board

Attendance

Meeting Date	Chair Kim Salerno	Vice-Chair Liam Barry	Secretary Jeff Brooks	David Allard	Stephen Berlucchi	Timothy Burns	Elizabeth Fuerte	Richard Haggis	Paul Marshall	John Oliveira	Melissa Pattavina	Brian Rochelle	
January 7	Absent	Present	Present	Present		Absent				Present	Present	Present	
February 4	Present	Present	Present	Absent		Present			Appointed June 26	Present	Present	Present	
March 7	Present	Present	Absent	Present		Absent				Present	Present	Absent	Present
April 1	Present	Absent	Present	Present		Absent	Appointed July 24			Present	Present	Present	
May 6	Present	Present	Present	Present		Present				Absent	Present	Absent	Present
June 3	Present	Present	Present	Present		Absent				Present	Present		
July 1	Present	Present	Present	Absent	Appointed November 13	Absent		Appointed November 13	Present	Absent	Present		
August 5	Present	Present	Present	Present			Absent			Present	Present	Absent	Present
August 21 special meeting	Present	Present	Present							Present	Present		
September 9	Present	Present	Present							Present	Present		
October 7	Meeting cancelled						due to			lack of quorum			Resigned April 2
October 15 special meeting	Present	Present	Present				Absent		Absent	Present	Present		
November 12	Present	Present	Present				Absent		Present	Present	Present		
November 18 special meeting	Present	Present	Present		Present		Absent	Present	Present	Present	Present		
December 2	Present	Present	Present		Present		Absent	Present	Present	Present	Present		

Petitions Reviewed

Certification of Consistency with the Comprehensive Plan:

2018 Community Development Block Grant (CDBG) Application; Planning Board review of the proposals contained in the application and determination if the activities proposed are not in conflict with the general policies set forth in the Comprehensive Plan. *(consistent)*

Demolition Approval:

Petition of Jean and Bradley Anderson, applicant and owner, regarding demolition of a single-family home and barn at 39 Garfield Street, Tax Assessor's Plat 7, Lot 213. *(approved)*

Petition of Matthew Pennino, applicant and owner, regarding demolition of a residential-scale garage on unnumbered property on Dresser St. AP 31 Lot 29 *(approved)*

Petition of Edward McPherson, applicant, and City of Newport, owner, regarding demolition of two former school structures at 435 Broadway AP 6 Lot 11 *(approved)*

Petition of Mark and Jane Oravec, applicant and owner, regarding demolition of a single-family home at 9 Lee's Wharf, Assessor's Plat 32 Lot 253 *(approved)*

Petition of Elizabeth Dougherty Hebb, applicant and owner, regarding demolition of a single-family home at 7 Faxon Green, Assessor's Plat 34 Lot 220. *(approved)*

Development Plan review:

Salve Regina University, applicant and owner, to construct a Dormitory Project, application package TAP 36, Lots 36, 96, 98, 102, 103 & 104 and application package TAP 36, Lots 48, 49, 89, 111 & 126. *(recommended approval on the condition of a traffic study)*

General Finding of Consistency with the Goals and Policies of the Comprehensive Plan for the Zoning Board of Review:

Special Use Permit: Katherine Ashton & Michael Mullee, applicants and owners; to convert existing professional office located at 635-637 Thames St., TAP 39, Lot 72 into a third dwelling unit. *(consistent)*

Petition of Salve Regina University, applicant and owner, for a special use permit to construct a Dormitory Project, application package TAP 36, Lots 36, 96, 98, 102, 103 & 104 and application package TAP 36, Lots 48, 49, 89, 111 & 126, (R-60 zone). *(consistent)*

Petition of MARATHON REALTY, INC, applicant and lessee; GLEN & KRISTIE GARDINER; owners; for a special use permit for permission to change existing professional office, into a home occupation use of a single-operator beauty salon applying to the property located at 494 Broadway., TAP 7, Lot 112, (R-10 zone). *(consistent)*

Petition of Kelly Correia & Robin Blatt-Eisengart, applicants and owners; for a special use permit to operate a 4-bedroom guest house, applying to the property located at 21 Bedlow Ave., TAP 7, Lot 453, (R-10 zone) *(inconsistent)*

Petition of Christopher Hosking and Jane Stevenson, applicants and owners; for special use permit for permission to continue the operation of one unit of a 2-unit dwelling as a 2-person guesthouse with an onsite owner/resident manager living unit at 211 Eustis Avenue, TAP 30, Lot 8, (R-20 zone). *(consistent)*

Petition of Colin & Amanda Barnett, applicant and owner; for a special use permit to utilize one unit of a 2-unit dwelling as a 2-bedroom guesthouse with an onsite owner/resident manager living unit at 1-3 Anthony Court, TAP 41, Lot 25, (R-10 zone). *(consistent)*

Petition of Newport Lodging, LLC, applicant and owner, regarding a special use permit to utilize one unit of a one-unit dwelling as a 2-bedroom guesthouse with an onsite owner/resident manager living unit at 7 Annandale Road, TAP 29, Lot 40, (R-10 zone). *(consistent)*

Petition of Brandon Pico & Danielle McNamara, applicants and owners of 50-52 Marchant Street AP 39 Lot 400 (R-10 zone) regarding a special use permit to utilize both units of a 2-unit dwelling as 2-bedroom guesthouses with an adjacent owner/resident manager living unit at 31 Stockholm Street, TAP 39 Lot 415, (R-10 zone), where the applicants are owner-occupants. *(consistent)*

Petition of Ben's Chili Dogs, LLC, applicant, and Newport Shore Commercial Properties, LLC, owner, regarding a special use permit to expand a fast-food restaurant at 156-158 Broadway Annandale Road, TAP 14, Lot 105, (GB zone). *(consistent)*

Petition of Peter Andre Arguimbau, applicant and owner, regarding a special use permit to utilize the second and third floors of a mixed-use structure as a guesthouse with an onsite owner/resident manager at 267 Spring Street, TAP 27, Lot 138, (R-3 zone). *(consistent)*

Subdivisions:

Administrative Subdivision (lot line) at the request of Thomas M. Dugan & Cheri A. Dugan, applicants and owners, of 79 & 87 Connection Street, AP 39 Lots 25 and 26 *(approved)*

Administrative Subdivision (lot lines) at the request of Schoolyard Properties, LLC, John and Meghan Picotte, and David and Christy Elwell for 90 Harrison Ave, 19 Brenton Rd., and 96-100 Harrison Ave., respectively, TAP 41, Lots 10, 10-4, and 14, respectively. *(approved)*

Petition of Edward McPherson, applicant, and City of Newport, owner, regarding Master Plan Approval of a Major Subdivision of 435 Broadway AP 6 Lot 11 into five (5) lots: one (1) lot of 41,939 sq. ft. for a school of limited instruction and four (4) residential lots between 9,000 and 10,000 sq. ft. each. *(approved)*

Administrative Subdivision (lot line) at the request of Philip J. Schmitt, applicant and owner, 375 Spring Street, AP 32 Lots 236 and 109. *(approved)*

Administrative Subdivision (lot line) at the request of Luke C. and Cynthia J. Murray, applicants and owners, 9 Chapel Street and 19 Old Beach Road, AP 26 Lots 47 and 52. *(approved)*

Administrative Subdivision (lot line) at the request of Forest Patten and the Carey Family, applicants and owners, 294 and 282 Ocean Ave., AP 43, Lots 41 and 39. *(approved)*

Zoning Amendments Finding of Consistency with the Comprehensive Plan and Recommendation for Approval:

Petition of Admiral Newport, LLC for the creation of a Mixed Use Planned District floating zone for planned development 20 or more acres in size within the Commercial-Industrial District to permit an alternative review process for large developments through the zoning ordinance amendment process, pursuant to Section 17.120 of the City of Newport Code of Ordinances (*consistent and do not recommend passage*)

Petition of ARC HTNEWRI001, LLC to rezone 2 Kay Street Assessors Plat 21 Lot 123 to change the zone of the property from R-10 Residential to General Business. (*inconsistent and do not recommend passage*)

Action Items

Zoning Amendments

The Planning Board worked with City staff to update the zoning ordinance in responses to changes in the State's zoning enabling act. These included provisions addressing the definition of height and the conditions by which special use permits and variances are granted. These amendments were adopted by the City Council on October 9. Of particular concern to the Board was the new definition of building height, which has added as much as 12 feet to the height of buildings in the flood zone. The result is a fifth floor and a scale of building inconsistent with the typology of Newport's waterfront.

Short-Term Rentals

Secretary Brooks chaired the Short-Term Rental Investigatory Group, which delivered their report in March. Short-term rentals provide an opportunity for property owners to achieve additional income, but their over-proliferation can disrupt the hospitality industry and erode residential neighborhoods. A short-term rental enforcement officer was hired in August. However, short-term rental enforcement was complicated by an October court decision that dampened enforcement abilities and grandfathered in all existing short-term rentals of less than 5 units. The Board is committed to amendments to the zoning code in 2020 to better address short-term rentals.

North End Zoning

The Board was presented with draft zoning for the North End at its April meeting. In discussion at the May meeting, it was agreed that further analysis of the impact of the zoning was needed. With the introduction of the floating zone amendment at the end of July, this effort was expedited. A solicitation was prepared by the City Planner, with NBBJ ultimately being awarded a contract to develop a North End Urban Plan on December 11. The moratorium on Development Plan Review in the North End has risen this effort to highest priority. Chair Salerno has led a Zoning Working Group with City staff since October. The Working Group is busy developing zoning for the North End that will achieve the City's Comprehensive Plan prior to the expiration of the moratorium on April 8, 2020.

Review of Subdivision Regulations

Earlier this year, the Board was informed that an amendment to its Subdivision Regulations made in 2015 was never published. The Regulations themselves are not as clear as they could be. Staff has begun making updates to the regulations for adoption in 2020.

Transportation Master Plan

At the September 9 meeting, Board members present voted unanimously to request the City undertake a Transportation Master Plan. On September 11 the City Council voted unanimously to request the administration develop an RFP (request for proposals) for a Transportation Master Plan and instructed the Planning Board to conduct a public forum to inform the RFP. This forum was held on November 12; a report of public outreach is attached. A working group was established by the Board at the December 2 meeting.

Demolition Approval Form

Despite the strong language in the introduction of the City's demolition approval ordinance, the findings and subject of the Board's review limits its ability to regulate development subsequent to demolition. The Board is working with the Solicitor's office to update the application form to better address this issue.

Pell Bridge Approaches Draft Environmental Assessment

The Board reviewed the draft environmental assessment for the reconstruction of the Pell Bridge approaches in Newport at its December meeting. The Board is generally supportive of the project, but acknowledges it will solve congestion in and of itself. Care needs to be made to integrate the design with the North End Urban Plan and the Transportation Master Plan to ensure the project meets its goals.

Meeting Schedule

The Board meets the first Monday of the month, which is pushed to the second Monday of the month for months that the first Monday is (or follows) a holiday. This monthly meeting schedule is a balances petitioners and review deadlines with the volunteer nature of the Board.

Trainings

Board members worked on completing their mandatory sea-level rise training in accordance with RIGL 45-22-7(j).

Secretary Brooks and Mr. Marshall attended the City's parliamentary procedure and open meetings training on September 28.

Chair Salerno encouraged members to acquire Robert's Rules of Order in Brief and *The Architectural Heritage of Newport 1640-1915* by Antoinette F. Downing and Vincent J. Scully.

The Department of Planning and Economic Development distributed hard copies of the *2017 Comprehensive Plan* to Board members.

Staff

The Board received regular updates on resiliency efforts from Sarah Atkins, the City's Community Resilience Specialist, through its Resiliency Liaison, Mr. Marshall (previously Mr. Allard).

Guy Weston provided support to the Board as Acting Planner from December 2018 to April 2019.

New Director of Planning and Economic Development Patricia Reynolds and City Planner Peter Friedrichs joined the City of Newport this year. Both staff attended the Southern New England American Planning Association conference in October. Mr. Friedrichs attended the Congress for the New Urbanism's Transportation Summit in Alexandria, Virginia on October 24 and 25.

The Board refined its process for review of properties by the Preservation Planner, Helen Johnson, during Demolition Approval review. Ms. Johnson provided liaison with the Historic District Commission regarding their regulation of elevation of historic properties in the flood zone.

Ms. Atkins, Mr. Friedrichs, Ms. Johnson, and Director Reynolds worked with students from the University of Pennsylvania on a study of Newport's harborfront in the face of sea-level rise.