

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, May 22, 2023, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice-Chair
Russell Johnson, Secretary
David Riley
Bart Grimes
Nicole Shevory, Alternate

Girard Galvin, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Susan Perkins, Alternate

The following withdrawal requests were considered and accepted:

- 275 Harrison

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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

Corrected App. #2022-Oct-10. PETITION OF THOMAS & CHERI DUGAN, applicant and owner; **79 Connection St.**, TAP 39, Lot 026, (R-10 zone for a special use permit and a variance to the dimensional requirements for permission to extend exterior stairs and construct additional story with attic, 6'-10" from the east side property line, 8'10" from the west side property line (10' required for both) and 15'-3" from the rear property line (20' required), reducing front setback from 9.6' to 7.6' (15' required); Also, to add 6'x12' shed, located 2' from rear and side property line (10' required); increasing lot coverage from 36% to 40% (20% allowed).

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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-May-001. PETITION OF JODI GREENBLATT, applicant and owner, **16 Arnold Street**, TAP 7, Lot 558 (R-10 zone), for a special use permit and a variance to the dimensional requirements to construct a one-story addition primarily over an existing deck footprint, and a condenser located 3'-9" from rear property line and 6' from east side property line (10' required for both).

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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-May-012 PETITION OF PAUL WEBBER, lessee, and ED BAKLEH, owner, 4 Broadway, TAP 17, Lot 181, (GB Zone) for a special use permit and dimensional variance to change the use from an office to a fast-food restaurant (ice cream parlor), providing 0 additional parking spaces (1 additional 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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-May-011 PETITION OF DAVID M. GEISINGER & AIMEE CARDWELL, applicants and owners, **21 Young Street**, TAP 32, Lot 004, (R-10 Zone) for a special use permit and dimensional variances to modify an existing second story and construct a new third story and third-story sun deck, on an existing single family dwelling located 1' from the east side property line and 4' from the west property line (10' required for both), and removal of an existing shed and well, decreasing the lot coverage from 34.8% to 33% (20% permitted).

The applicant was represented by Attorney Russell Jackson. Board Member Rudd asked about the well. Mr. Jackson stated that the well was decorative. Mr. Jackson requested 18 months for the project to be started and substantially completed.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 18 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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-May-014 PETITION OF 526 THAMES, LLC, applicant and owner, **3 Clinton Street**, TAP 39, Lot 112, (R-10 Zone) for a special use permit and dimensional variances to install two new HVAC condensers, located 5'-3" and 3'-4" from the north side property line (10 feet required), and a special use permit and dimensional variance to permit construction of three new decks, one of which is located approximately 4' from the east side property line (10' required) on a non-conforming property, increasing the lot coverage from 38.6% to 42.2% (20% permitted).

The applicant was represented by Attorney Peter Regan. Owner Craig Authier was also present. The objector from 93 Wellington Ave, Allan Maurice, was also present and stated that he rescinded his objection as he had reached an agreement with Mr. Authier. Petitioner's Exhibit #1 – Email and Applicant's Exhibit #1 – Email from Peter Regan were accepted. Mr. Regan stated that the applicant agreed to the following changes to the proposal, as outlined in the Petitioner's email: 1) Remove the 2nd story 6 ft by 16 ft rear deck, 2) Relocated the A/C condenser on the north side of the front building out of the setback, 3) Relocate the condensers on the north side of the rear building out of the setback, 4) the applicant agrees to remove the fence between 97-99 Wellington Ave when the neighbors elect to install a new fence. These changes would result in a revised lot coverage of 40.4%.

Board Member Rudd asked if the objector's issues were resolved. Mr. Jackson stated that with the removal of the deck, the issues should be resolved. Board Member Johnson asked for clarification regarding the deck locations.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the four aforementioned modifications agreed upon with the objector be made, 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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; 11 W. Narragansett Avenue, TAP 39, Lot 64, (R-10 zone); for permission to reconfigure the front porch and stairs, add two dormers along the third floor north and south roof lines; add a rear addition to the south side of the existing structure; and add a rear exterior porch and staircase to the side of the house. Said additions to be located 2.25' from the west property line and 8.2' from the east property line, (10' required), and will increase the lot coverage from 38% to 49.4%, (20% allowed). *This application was continued as it needed to be re-noticed.*

App. #2022-Dec-001. PETITION OF SPRUCE HOMES, LLC, owner and SEAN NAPOLITANO applicant; 0 Carroll Avenue, TAP 41, LOT 93, (R-10 zone), for a special use permit and dimensional variance to construct a new single-family home with a detached garage on an existing 5,015 sq.ft. lot (10,000 sq.ft. required), with lot coverage of 29% (20% allowed).

The applicant was represented by Attorney Dave Martland. Applicant Sean Napolitano and real estate expert Jim Houle were also present. Four objectors were present: Sister Mary Cooper representing Sisters of St. Joseph of Cluny at 78 Carroll Ave, Mary Fletcher from 5 Harold St, Suzie Van Ness from 65 Carroll Ave, and Karen Kelman from 9 Harold St.

Mr. Martland stated that several of the objections involved drainage concerns. In response to the objections, the applicant hired consultants to create a drainage plan for the property. Mr. Napolitano described the project, stating that the detached garage is placed to buffer oncoming headlights from the street and that the total living area is 1,800 sq ft.

Board Member Riley commented that the entry porch is large, asked why a 2-car garage was proposed instead of a 1-car garage, and stated that he did not believe this was the minimum relief necessary. Board Member Johnson agreed, stating that he was not sure this house was right for this lot and that garages were uncommon in this neighborhood. The Board then asked questions about the drainage plan. Mr. Martland described the grading of the lot, the locations of the catch basins, and how the drainage system would withstand storms of different severities.

Board Member Goldblatt recused himself as he discovered Mr. Napolitano's company had installed his gutters.

Board Member Riley asked about the surface of the driveway and recommended that the driveway be permeable. Board Member Rudd asked if the applicant had worked with the objectors. The applicant was not aware of the objectors and had not yet worked to compromise with them. Board Member

Rudd and Mr. Martland believed the application should be continued so the applicant could work with the objectors. The rest of the Board disagreed, and wanted to hear from the objectors before deciding whether to continue.

Objector Karen Kelman stated her concerns regarding drainage and proximity to the park. She felt that the house was overbuilt for the lot size and did not understand how headlight glare can be a hardship. Objector's Exhibit 1 – Proximity to the Park was accepted. Susan Van Ness agreed with Ms. Kelman. Ms. Fletcher also agreed and wanted the 2-car garage to be reduced in size. Sister Marie Cooper did not believe that the architecture fits in with the neighborhood aesthetics.

A motion to continue the application to the June meeting was made by Mr. Riley, seconded by Mr. Johnson. The motion was unanimously approved.

App. #2023-Jan-001. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **0 Bridge Street (75 Bridge Street)**, TAP 16, Lot 060 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements for permission to construct a new single-family dwelling with a detached garage on an existing 4,988 sq.ft. lot (10,000 sq.ft. required), with a 13' front setback for the dwelling (15' required), with a 1' 1" west side and 1'6" north rear setback (10' required) for the detached garage, and with lot coverage of 32% (20% allowed).

The applicant was represented by Attorney Jay Lynch. Architect Madeline Melchert and real estate expert James Houle were also present.

Ms. Melchert presented the project, describing the location of the house and garage, explaining how the design met flood zone requirements, stated that the lot coverage of the main house alone is 24%, and stated that in her professional opinion the proposed house is a modest size and the least relief necessary.

Board Member Shevory asked if the location of the garage was approved by the HDC. Board Member Goldblatt asked if garages were typical for the neighborhood. Ms. Melchert stated that the HDC preferred the garage to be set to be separate and located to the back of the lot, away from the view of the street, to maintain the character of the neighborhood. Garages are not typical in the neighborhood due to it being densely developed, but they do exist where there is space. Ms. Melchert answered clarification questions from the Board about the proposed lot coverage and setbacks.

Mr. Houle presented his report and stated that the proposed lot coverage is similar to the average lot coverage of other properties in the neighborhood. The Board asked clarification questions regarding massing, median lot coverage, and typical setbacks. Board Member Rudd believes the proposed garage can be located so that it is more within the building envelope.

Board Member Johnson questioned the intention for ownership as he visited the site and saw for-sale signs. Mr. Lynch stated that the owner may be selling the property.

A motion to approve the application was made by Mr. Rudd, seconded by Mr. Riley. A roll call vote was taken. Mr. Riley believed that the proposal is not the minimum relief necessary, that the lot coverage is too high, and that the accessory structure is too close to the property lines. He voted to deny. Mr. Johnson did not believe there was a strong argument for needing a garage and also voted to

deny. Mr. Rudd, Mr. Grimes, and Mr. Goldblatt agreed with Mr. Rudd's and Mr. Riley's comments. The Board voted unanimously to deny the application.

Staff to prepare the draft decision. Mr. Lynch asked to continue the application.

App. #2023-Jan-002. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **77 Bridge Street**, TAP 16, Lot 061 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements for permission to construct a new front stair, with a 13'10" front setback (15' required), and a new detached garage, with a 5' west side setback and 6' north rear setback (10' required), and increasing lot coverage from 12% to 24% (20% allowed).

The applicant was represented by Attorney Jay Lynch. Mr. Lynch stated that they would like to modify the application by removing the detached garage. This would reduce the proposed lot coverage to 19%, with no request for setback relief for the garage. The only setback relief now being requested is for the front yard setback needed for the front stairs. Board Member Grimes asked what the plan for the proposal is. Mr. Lynch stated that the applicant intends to restore the building and historic floor plan, add a modern addition, and add front stairs that are compliant with flood zone requirements.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the modifications made by the applicant and 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 Lynch will prepare the draft decision.

App. #2023-Feb-002. PETITION OF WELLINGTON PARTNERS, LLC, applicant and owner, **551 Thames Street, Unit H3, H4, and H5**, TAP 35, Lot 204, (WB Zone) for a modification to a special use permit to allow conversion of an existing transient guest facility containing 51 2-bedroom units (permitting 306 total guests) to 152 1-bedroom units (permitting 304 total guests).

The application was represented by Attorney David Martland. Engineers Molly Titus, Frank Zaino, and Dan Campbell, architect Eric Zuana, and real estate expert Jim Houle were also present as witnesses. Two objectors were present: Linda Stevenson representing Friends of the Waterfront (interested, not aggrieved party), and abutter Connie Bischoff from Coddington Wharf, also representing the Newport Waterfront Alliance.

Board Member Goldblatt asked to confirm if the pickleball courts had been removed from the application. Mr. Martland confirmed this, and stated that the tennis courts will remain as is. Board Member Riley stated that the project received favorable recommendations from the TRC and Planning Board, and confirmed that the only site modifications are the sidewalk improvements.

Ms. Titus described the site conditions and answered questions from the Board regarding the harborwalk and landscaping improvements requested by TRC. Current obstructions to the sidewalk (poles and trees) will be relocated and the improved sidewalk will be 3 ft wide in all locations to improve pedestrian access to the waterfront.

Mr. Zuana described the architectural changes to the building, stating that there would be minimal, cosmetic changes to the exterior of the building but that the interior would be heavily modified as the current units would be split into multiple new dwellings. Board Member Rudd noted that the timeshare use only just ended, and the new use would still be classified as a transient guest facility.

Mr. Campbell described the findings of his traffic report and answered clarification questions from the Board. The increased intensity of use would cause an increase of 2.66 vehicle trips per hour during the AM peak hour, and would decrease the average number of trips in the PM peak hour. Mr. Zaino described how the intensified use would impact the water service and demand. He explained that there would be a reduction in water demand with the elimination of kitchens from the units.

Mr. Houle explained the history of the building's use as a timeshare resort. The timeshare officially ended in May 2021, but had ceased to function as a timeshare years before that and had been used similarly to a hotel.

Objector Connie Bischoff expressed concern regarding the increased traffic and parking demand, and the state of the tennis court. She asked that the tennis courts be tested, resurfaced, and not have lighting installed. Ms. Stevenson expressed that Friends of the Waterfront is concerned with the lack of detail and clarity on the plans for improvements to the harborwalk. Ms. Stevenson would like to see a plan that includes sidewalk widths, materials, and coastal resiliency measures.

A motion to approve the application was made by Mr. Rudd, seconded by Mr. Riley. A roll call vote was taken. Mr. Riley believed that the applicant met all standards for a special use permit and is satisfied with the projected traffic conditions. Mr. Johnson agreed, noting that he is still concerned about parking demand but that the parking requirements have been met. Mr. Rudd also agreed and noted that vans would improve traffic on and off site. Mr. Grimes and Mr. Goldblatt concurred and agreed that the applicant should adopt the recommendations of the Planning Board.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the conditions that all of the conditions recommended by the Planning Board be adopted, that there be no lights on the tennis court, that the project be started and substantially completed within 24 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.

All remaining Petitions were continued.

Meeting was adjourned at 10:35pm.