

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, January 22, 2024, in the Council Chambers of 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 meeting minutes were considered and accepted:

- December 18, 2023 Minutes

The following requests for an extension were considered and accepted:

- 13 Commonwealth Avenue
- 31 Mt. Vernon Street

The following items were considered and adopted:

- Proposed Zoning Application Submittal Requirements
- Special Meeting Date Set for February 12, 2024

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.

App. #2023-Dec-004 PETITION OF PATRICIA HENRY and ERICA GAROFALO, applicants and owners, **5 Harvard Street**, TAP 07, Lot 370, (R-10 Zone) for a special use permit and dimensional variance to construct a rear deck, increasing the lot coverage from 27.4% to 31.8% (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. Staff to prepare the draft decision.

App #2024-Jan-001 PETITION OF TAMMY BROWN, applicant and owner, **515 Ocean Avenue**, TAP 44, Lot 123, (R-40A Zone, Historic Overlay), for a special use permit and variance to construct a second-story addition located 21'-2" from the north (side) property line (40' 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. Staff to prepare the draft decision.

App #2024-Jan-002 PETITION OF PETER MORLEY, applicant and owner, **17 Narragansett Avenue**, TAP 40, Lot 047, (R-10 Zone), for a special use permit and variance to construct a 96 sq.ft. accessory shed, located 3'-6" from the east (side) and south (rear) property lines (10' required for both), increasing the lot coverage from 21.1% to 23.9% (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. Staff to prepare the draft decision.

App #2024-Jan-003 PETITION OF LAURA & WAYNE GLAZIER, applicants, LAURA GLAZIER 1998 FAMILY TRUST, Owner, **7 Hope Street**, TAP 11, Lot 162, (R-10 Zone), for a special use permit to make exterior modifications to an existing, non-conforming accessory structure located approximately 1' from the west (side) and south (rear) property lines (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. Staff to prepare the draft decision.

App #2024-Jan-005 PETITION OF GEORGE ANTONE, applicant and owner, **6 Brooks Avenue**, TAP 06, Lot 048, (R-10 Zone), for a dimensional variance to install a generator 8' from the west (side) property line (10' 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. Staff to prepare the draft decision.

Amended App. #2023-Jul-011 PETITION OF 49 & A HALF THIRD STREET, LLC, applicant and owner **49 ½ Third Street**, TAP 12, Lot 269, (R-10 Zone, Historic Overlay) to demolish an existing single-family dwelling and detached garage and construct a new single-family dwelling and attached garage, located 5'8" from the north side property line, 7'6" from the east side property line (10' required for both) and 11' from the west (front) property line (15' required), construct a bulkhead 4'9" from the north side property line and two AC condensers 4'3" from the north side property line (10' required for both), establishing a lot coverage of 39% (20% allowed).

The applicant was represented by attorney Jay Lynch and objector Shawn Burns was represented by attorney Russell Jackson.

A motion to approve the afore-mentioned abbreviated 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. Attorney Lynch to prepare the draft decision.

App. #2023-Dec-005 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicant and owner, **102-108 Girard Avenue**, TAP 03, Lot 011, (R-10 Zone) for a modification to a special use permit and dimensional variance to relocate exterior decks to the east of the existing buildings, located 11' from the front property line (15' required).

The applicant was represented by attorney Jay Lynch.

A motion to approve the afore-mentioned abbreviated 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. Attorney Lynch to prepare the draft decision.

App #2024-Jan-004 PETITION OF JOHN CURTIS, applicant and owner, **3 Lincoln Street**, TAP 19, Lot 107, (R-10 Zone), for a special use permit and dimensional variances to demolish an existing two-story rear addition and construct a new one-story rear addition, located 3'-8 1/4" from the north (side) property line, increasing the lot coverage from 42% to 44% (20% allowed).

Applicant John Curtis and architect Jeff Moniz were present.

A motion to approve the afore-mentioned abbreviated 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. Staff to prepare the draft decision.

App. #2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a detached carriage house 16' from the front property line (100' required). (Continued from 10/23/2023)

Chair Goldblatt recused. Attorney Josh Parks represented the applicants, attorney Jay Lynch represented objector the Newport Country Club, and attorney William Wynne represented objector Nancy Auersperg. Mr. Wynne's witness, engineer Joe Casali, was also present. The Board recognized Mr. Casali as an expert.

A motion to find that the application meets the standards for a zoning variance that are effective January 1, 2024 and to grant the variance was moved by Mr. Rudd, seconded by Mr. Riley. A roll call vote was taken. The Board voted to unanimously approve the petition. Attorney Parks to prepare the draft decision.

Amended App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second Street**, TAP 9, Lot 320, (R-10 zone); for a special use permit and a variance to the

dimensional requirements for permission to demolish and construct a new single-family dwelling which will be located 5' from the north property line, (10' required), and construct a detached shed which will be located 4' from the north property line and 4' from the east property line (10' required for both), establishing the lot coverage of 35.4% (20% allowed).

Attorney Peter Regan represented the applicants and attorney Russell Jackson represented the objectors. Mr. Regan requested to withdraw the application without prejudice.

A motion to withdraw the application without prejudice was made by Mr. Goldblatt, seconded by Mr. Rudd, all in favor.

APPEAL OF MARK & IDA ARAMLI, owners and applicants; **54 Hammersmith Road**, TAP 43, Lot 54, (R-160 zone); appealing the decision of the Historic District Commission denying the Appellants application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall. (Oral Arguments and Deliberation)

Attorney William Landry represented the appellants and attorney Matthew Leys represented the appellees.

A motion to sustain the appeal of Mark and Ida Aramli as the appellants to reverse the HDC's decision and adopt the information in the record on this appeal, including the exhibits before the HDC and the certified transcripts of the proceedings and decisions together with the statements of the board members said on the record during their discussion and deliberation, as the Board's findings of fact and conclusions of law there was prejudicial procedural error and/or clear error and/or a lack of substantial evidence was made by Mr. Rudd, seconded by Mr. Riley.

The Board discussed the appeal. A full transcript of the Board discussion has been obtained, which can be reviewed for full comments.

Following the discussion by the Board, Mr. Goldblatt made a revised motion that the appeal of the appellants be sustained on the grounds of a finding of prejudicial procedural error or clear error or lack of support by the weight of the evidence in the record or some combination thereof, seconded by Mr. Rudd. A roll call vote was taken. Mr. Grimes and Mr. Rudd voted to deny the appeal based on the weight of the evidence. Mr. Riley voted to sustain the appeal based on the weight of the evidence. Mr. Johnson and Mr. Goldblatt voted to sustain the appeal based on procedural prejudicial error.

The Assistant City Solicitor requested a subsequent motion to clarify whether the decision was to reverse or to remand the HDC decision.

Mr. Goldblatt made a motion to sustain the appeal, to reverse the decision of the HDC in part based on prejudicial procedural error, and to remand the matter to the HDC for further proceedings consistent with this decision, seconded by Mr. Rudd. A roll call vote was taken. Mr. Grimes voted to deny the appeal. Mr. Rudd, Mr. Goldblatt, Mr. Johnson, and Mr. Riley voted to sustain the appeal and remand back to the HDC. Mr. Landry is to prepare the draft decision and is to share it with Mr. Leys, to then be reviewed and edited by the Zoning Officer.

All remaining Petitions were continued.

Meeting was adjourned at 9:40 pm.