

City of Newport
Planning Board Meeting Minutes
November 2, 2015, 6:30 p.m.
Newport Public Library, Program Room, 300 Spring Street

Call to Order:

The Chair called the meeting to order at 6:30 p.m.

Roll Call and Determination of Quorum:

The Secretary called the roll and determined a quorum of board members present. New Planning Board members John Oliveira, Tanya Kelley, and Brian Rochelle were introduced.

Members Present:

Kim Salerno, Chair	Melissa Pattavina, Vice Chair	Liam Barry, Secretary
Wick Rudd	Tim Burns	Tod Murphy
John Oliveira	Tanya Kelley	Brian Rochelle

Staff Present:

Christine O'Grady, City Planner
Guy Weston, Zoning Officer
Nancy Simoes, Stenographer, Allied Court Reporters

Approval of Minutes:

The minutes of the meeting of August 17, 2015 were reviewed. A motion to approve the minutes was made by Ms. Pattavina, seconded by Mr. Barry. The motion was unanimously approved. The Chair requested that the record reflect that the Planning Board did not meet in September and October due to a lack of a quorum therefore there will be no meeting minutes recorded for those two months.

Communications:

A motion was made to move the Proposed Zoning Amendment – Proposed Overlay Zone Waterfront Business Zone discussion until after the Action Items on this evening's agenda.

Demolition Applications

30 Atlantic Street, Tax Assessor's Plat 40, Lot 216 – Continued per applicant email request on October 26, 2015. A motion to continue the application was made by Mr. Barry, seconded by Ms. Pattavina. The motion was unanimously approved.

10 Spring Wharf, Tax Assessor's Plat 32, Lot 125 – The applicant, International Yacht Restoration School, Inc. (IYRS) representative J. Russell Jackson, Esq., Jackson O'Neill, LLC presented an overview of the project and introduced expert witnesses prepared to speak on behalf of the project. Opposing counsel was identified as Karen Augeri Benson and Gregory F. Fater. Legal counsel, Karen Benson, identified herself as the attorney representing the property owners at 475 & 475 1/2 Thames Street. The other legal counsel identified himself as, Gregory F. Fater of Fater Law Associates.

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Mr. Jackson first presented Terry Nathan, IYRS President the Board of Trustees. Mr. Mason stated that IYRS acquired the property in November of 2014 for the purpose of expanding the school and the consolidating operations in Newport. The school is preparing to accommodate 95-100 full time students. Demolition of the building is required as part of the school accreditation process.

Dan Parquet, the owner's representative for construction the project was the second witness introduced.

Applicant legal consul, Mr. Jackson entered the following exhibits into the record.

- Exhibit 1 – Peter M. Scotti & Associates Real Estate Inspection & Qualification Statement
- Exhibit 2 – Architecture & Planning, Ross Cann, RA, AIA, NCARB, 10 Spring Wharf/Demolition Review and Analysis

Mr. Scotti and Mr. Cann presented overviews of their report findings.

Ms. Benson entered the following exhibit into the record.

- Exhibit 3 – Law Office of Alan A. Amaral, Karen Augeri Benson, Abutter Objection Letter (Arthur Grover 475 & 475 1/2 Thames Street)
- Exhibit 4 – Environmental Land Usage Restriction February 11, 2008
Inst. 00050871 Bk: 1913 Pg: 182

A motion to place a time limit of 18 months on the demolition permit was made by Ms. Pattavina, seconded by Mr. Barry. A motion to grant the demolition permit was made by Ms. Pattavina, seconded by Mr. Barry. The motion was unanimously approved. A draft of the motion is to be prepared by legal consul, Mr. Jackson, on behalf of his client IYRS for the Board's signature.

Minor Subdivisions

21 Hammersmith Road, Tax Assessor's Plat 43, Lot 25 – Continued per applicant's representative, Christopher J. McNally, Esq. request at the meeting. A motion to continue the application to the December 7th meeting was made by Ms. Kelley, seconded by Ms. Pattavina. The motion was unanimously approved.

52 Houston Street, Tax Assessor's Plat 39, Lot 304 – Matt Leys, attorney and Kamal Hingorany, engineer were in attendance to present the application for final approval to subdivide the existing lot into two parcels as shown on a survey for 52 Houston Avenue. Mr. Leys provided a brief overview of the project and entered the following exhibit into the record in accordance with subdivision application requirements.

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- Exhibit 1 – City of Newport Dept. of Utilities letter confirming sewer capacity.

A motion to approve the final subdivision application was made by Mr. Rudd, seconded by Mr. Barry. The motion was unanimously approved. A draft of the motion is to be prepared by legal consul, Mr. Leys, on behalf of his client IYRS for the Board's signature.

Use Variance Permit Review and Recommendations:

23 Catherine Street, Tax Assessor's Plat 26, Lot 7 – Turner Scott, attorney representing the owners of the property at 23 Catherine Street, presented an overview of the project which requires a use variance permit per the zoning code. The proposal is to convert the property's present use of four dwelling units and a five room Guest House to five dwelling units (residential apartments). It was noted that the Zoning Board of Review approval was granted on September 28th. Representing consul acknowledged receipt of staff's review pertaining to Consistency with the Comprehensive Plan. It was noted by Ms. Salerno that there was some minor disagreement regarding specific claims to plan consistency, but that the overall intent and compliance was clearly documented and agreed with between all parties. A motion to approve Consistency with the Comprehensive Plan findings was made by Ms. Kelley, seconded by Ms. Pattavina. The motion was unanimously approved.

Action Items

2015 Community Development Block Grant – Church Community Housing Corporation's Sam Shuford prepared the 2015 Community Development Block Grant (CDBG) on behalf of the City of Newport Civic Investment Department. Mr. Shuford provided a brief overview of the projects being requested. It was noted that the application deadline has already passed and that given the cancellation of the October planning board meeting a letter from the planning board chair documenting review of the item and a decision would be made at this meeting. Upon a motion duly made and seconded, the board unanimously found the application items not to be in conflict with the City's Comprehensive Master Plan. The chair signed the Certification of Local Planning Board application sheet.

Communications:

Proposed Zoning Amendment – Proposed Overlay Zone – Waterfront Business Zone – Item was moved to this location on the agenda in order to ensure review of previously submitted items from the September and October dockets which were not considered due to a lack of a quorum.

Ms. Salerno introduced the topic for discussion and inquired about the process for review. At present the board is being informed about the request, but no formal correspondence from the board has been requested to date. Ms. O'Grady provided board members with a

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Fact Sheet outlining information associated with the Overlay Zone for review. It was noted that the draft 2012 plan being undertaken with input from the Citizens Advisory Commission eliminated all reference to Flexible Zoning. It was noted that the plan was never finalized or adopted but was far enough along in the process to be able to verify the intent to remove the section. Outline information included the following:

- Procedure for Proposed Zoning Amendment Proposed Overlay Zone - Waterfront Business (WB) review
- Existing Zoning related to Waterfront Business (WB)
- Proposed Zoning Amendment Proposed Overlay Zone - Waterfront Business (WB)
- Comprehensive Land Use Plan (adopted 2004)

Ms. Kelley requested that fellow board members research the concept of flexible zoning on their own prior to any discussion. A motion to continue the discussion until the December meeting was made by Ms. Pattavina, seconded by Mr. Barry. The motion was unanimously approved.

Reports:

Planning Board Chair – Introduced a discussion on the review of the 2004 Comprehensive Plan. Planning board members were assigned elements from the existing plan for review. Assignments are as follows:

Circulation – M. Pattavina Land Use – L. Barry Open Space – T. Kelley
Economic Development – T. Burns Housing – W. Rudd
National & Cultural Resources – K. Salerno & T. Murphy
Community Facilities – B. Rochelle & J. Oliveira

Ms. O’Grady explained that she would be distributing the Comprehensive Plan sections as well as a checklist developed by the Comprehensive Plan consultant, Matrix, for use in the review process via email (L. Barry will receive hard copy). Members will return all review materials by Monday, November 16th.

Staff Update – 2016 Meeting Schedule options were discussed. Board members were asked to check their calendars and respond to the Planner.

- City Website – Council identifies 2nd Monday of the Month @ 7
- By-Laws – identifies 3rd Monday of the Month @ 7:30
- Current meeting schedule identifies 1st Monday of the Month @ 6:30

Comprehensive Plan Update – The next regularly scheduled Planning Board meeting on December 7th will include a joint work session with Planning Board and City Council. The meeting which will be facilitated by Matrix is intended to finalize the Vision for the

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plan.

Zoning Rewrite Committee – Group met but decided to table activities until the completion of the Comprehensive Plan. (Ms. Salerno)

Adjournment:

A motion to adjourn was made by Ms. Pattavina, seconded by Mr. Rudd. The motion was unanimously approved. Meeting Adjourned at 8:45 pm.