

Meeting Minutes Newport Planning Board

Monday, February 1, 2021

REMOTELY

I. Call to Order

The Chair called the meeting to order at 6:33 pm.

II. Roll Call & Determination of Quorum

The Secretary called the roll and determined a quorum of Board members present.

Members Present:

Chair Kim Salerno

Co-Chair Jeff Brooks

Secretary Melissa Pattavina

Richard Haggis

Paul Marshall

Kevin Michaud

John Oliveira

Theresa Stokes

Members Absent:

none

Staff Present:

Patricia Reynolds, Director of Planning and Economic Development

Peter Friedrichs, City Planner

III. Review, Discussion, and/or Action of Minutes of Preceding Meetings

... [January 11, 2021](#)

The minutes were approved unanimously, with Mr. Michaud and Ms. Stokes abstaining due to their recent appointment.

IV. Communications

There were no communications.

V. Business

... Demolition Public Hearing and Possible Action:

1. *(to be continued to the March 1, 2021 regular meeting)* [Petition of Harbour Realty LLC, Tomorl LLC, 20 West Extension LLC, and Thomas B. Abruzese, applicants and owners, regarding demolition of a nightclub and restaurant, warehouse, and warehouse, respectively, at 25 and 1 Waites Wharf, 16 Waites Wharf, and 20 W Extension Street, respectively, Assessor's Plat 32 Lots 155 and 268, 248, and 267, respectively.](#)

Ms. Pattavina recused herself from this item. The Board unanimously continued the petition to the March 1 meeting with the applicant's consent.

2. [Petition of Dennis Damien Rotunno, applicant and property owner, regarding demolition of a single-family home to the foundation at 5 Sylvan Terrace, Assessor's Plat 33 Lot 95.](#)
 - [Staff Report](#)

Co-Chair Brooks chaired this agenda item. Adam Thayer, attorney for the applicant, introduced the petition. No one appeared during the public hearing and it was closed. Ms. Salerno thought there was an issue with the design in relation to the building code and the horizontal windows were incongruous with the rest of the design, particularly on the west elevation. The Board then entertained a motion to find the petition consistent with the required findings. Ms. Salerno noted the similarity between the building being demolished and the one being proposed. Acting Chair Brooks noted the reuse of the foundation. Mr. Marshall, Secretary Pattavina, and Acting Chair Brooks noted the demolition did not harm the character of the immediate neighborhood or area, but it did not enhance it either. Discussion regarding the recycling plan ensued. The Board considered a motion to accept the staff report. The Board unanimously voted to strike the recycling plan from consideration. The Board voted unanimously to accept the staff report, make the required findings, and approve the petition.

4. Special Use Permit Conformance to Comprehensive Plan Opinion to Zoning Board of Review

1. [Petition of BCM Realty Partners, LLC, applicant and St. Augustine's Church of Newport, owner, for special use permit to convert the existing convent/rectory to a 4-unit multifamily dwelling and variances to the dimensional requirements construct a 8' x 17' storage shed 3' front the side lot line \(10' required\), which will increase lot coverage to 39.9% \(20% allowed\), applying to the property located at 2 Eastnor Rd., TAP 40, Lot 192, \(R-10 zone\).](#)
 - [Staff Report](#)

Chair Salerno noted the tardiness of some of the applicant's materials. She asked staff to make an agenda item at the next meeting to address this. Co-Chair Brooks chaired the rest of the agenda item.

Adam Thayer, attorney for the applicant, introduced the petition. Secretary Pattavina noted the property was being restored to the tax rolls. Jim Houle, certified appraiser and applicant's planning expert, provided additional information. Discussion regarding short-term rentals ensued. Acting Chair Brooks agreed with the staff report and expressed his excitement around additional housing units. Ms. Salerno generally concurred with the staff report but expressed some concern about Goal H-3. Mr. Marshall agreed. The Board voted unanimously to find the petition consistent with the Comprehensive Plan.

5. Recommendation to the City Council

1. Request for Letter of No Objection
 - a) [Susan Ropolo, applicant and property owner, Coastal Resources Management Council approval of a fixed wooden pier at their property at 80 Washington Street, Assessor's Plat 12, Lot 73.](#)

- [Staff report](#)

Mr. Friedrichs introduced the petition. Chris McNally, attorney for the applicant, provided additional information. Mr. Oliveira asked the applicant the beam of their boat. Tyler Ropolo responded it was 10.5 feet. Mr. Ropolo confirmed the dock would be touch and go and available for emergencies at Mr. Marshall's request. Mr. Marshall asked how the project

would “protect and enhance shoreline and waterfront areas” in accordance with Goal OSR-3. Mr. McNally responded that the project would eliminate the hazard of the previous pier remnants. Co- Chair Brooks noted the new pier would block views of the Pell Bridge from the driftway and asked why the pier was proposed along the southern side of the property as opposed to the northern side. Mr. McNally responded the eel grass was a primary concern.

The Board opened public comment. Fred Roy, Chair of the Waterfront Commission presented their findings. Mr. Friedrichs read three letters of support: Jane Hence, 73 Washington Street, Ani Yessailian, 75 Washington Street, and Edward Kane, 86 Washington Street, (said he did not object to the project). Secretary asked if the letters were the result of public notice. Mr. McNally stated the letters were solicited by the applicant. Mr. Marshall asked why the Harbormaster and Planning Department had different recommendations. Mr. Friedrichs responded the Waterfront Commission looked at things from the perspective of mariners, while the Planning Board was more looking at the general public. Mr. McNally noted the CRMC required the height of the pier. Ms. Stokes asked about the intensity of use in this area. Mr. Friedrichs thought that it was a Waterfront Commission issue, but noted that this part of the harbor had been designated low density by the Coastal Resources Management Council.

Secretary Pattavina presented her analysis: she noted the prevalence of piers and the support of neighbors, but expressed concern about the proximity to the driftway and the lack of public notice. Co-Chair Brooks expressed concern about the height of the pier. Mr. Marshall agreed with the other Board members and wanted to make sure the waterfront was protected at all costs. Ms. Stokes understood the historic use, but thought there should be additional public notice. The Board considered a motion to adopt the staff report as findings of fact. The Board voted unanimously to amend the motion to strike LU-2 from consideration. The Board then voted unanimously to adopt the remaining staff report as findings of fact. The Board then voted unanimously to forward the following opinion to the City Council: “considering the impact of an adjacency to a public right-of-way and the heightened concern for public access to the water, oversight and public input is essential. We do not recommend a letter of no objection and strongly urge additional opportunity for public input through a CRMC hearing.”

2. [Proposed amendments to Chapter 12.36: Tree and Open Space Preservation and Protection](#)
 - [Staff Report](#)

Director Reynolds introduced the agenda item. Maureen Cronin, Chair of the Tree and Open Space Commission, provided additional information. Chair Salerno asked if the Superintendent of Parks, Grounds, and Forestry supports the Tree and Open Space Commission. Ms. Cronin responded in the affirmative. Mr. Marshall asked for clarification about the types of projects that would be reviewed. Ms. Cronin advised that the ordinance covered public projects, not private projects. Lilly Dick expressed support for the ordinance

on behalf of the Newport Tree and Open Space Partnership. There was no other public comment. The Board adopted the staff report as findings of fact. The Board then voted unanimously to forward a positive recommendation to the City Council.

VI. Presentation and Discussion of Reports

A. Comprehensive Plan 5-year Review Working Group

Chair Salerno informed the Board that the group has met twice to review items of the Comprehensive Plan that have been satisfactorily completed, what needs more work, and what might be reconsidered. Mr. Marshall noted that this undertaking is a state requirement.

B. Transportation Working Group

Secretary Pattavina noted the recently passed Council resolution in support of outdoor dining. Lilly Dick asked how the Newport Transportation Planning Committee could be of assistance. Chair Salerno noted the Transportation Master Plan is about to start. Mr. Michaud was designated to liaise with the Newport Transportation Planning Committee.

C. Short-Term Rental Investigatory Group

Co-Chair Brooks announced he is working with some Councilors on drafting a resolution to require City registration numbers be listed with short-term rental advertisements.

D. Marijuana Working Group

The marijuana working group has started meeting and is working on developing a floating zoning ordinance in the next few months.

E. Liaison's Reports

1. Resiliency

Mr. Marshall gave the following report: As a result of the Rhode Island Infrastructure Bank Municipal Resilience Program workshop, held last summer, a RIIB action grant for a shovel ready project was submitted January 15. The City, in partnership with the Aquidneck Island Planning Commission, submitted a \$200k grant application to remove pavement and catch basins at Spouting Rock Drive and restore the meadow and shoreline marsh of Almy Pond, improving drainage, resiliency, and the water quality of the pond and possibly the adjacent cove. Awards will be announced late February. A US Department of Defense Office of Economic Adjustment (now called Office of Local Defense Community Cooperation) grant for Military Installation Resilience, in partnership with NAVSTA Newport and URI, was awarded in September and the grant leadership team has met weekly to develop and manage two upcoming "All Hands" meetings with steering and technical committees that will identify areas of concern for targeted data gathering and workshop content for local stakeholders. This 18-month grant for \$500,000+ will apply URI sophisticated software and other resources to identify vulnerable areas on the base due to SLR and storm events and hold 5-6 workshops with relevant Navy and municipal staff to assess these areas, review MOUs with island municipalities and improve coordination of mitigation plans and emergency operations. The Census was concluded in October and the final grant report to the RI Foundation for the funding of Conexión Latina Newport for outreach within the Hispanic community was submitted at the end of December. While efforts were successful in reaching Hard to Count communities, and there was a large coordinated effort to encourage Newporters to fill out the Census, overall

numbers in Newport remained at the 2010 level. This was due to the increased number of rental properties that were miscategorized from the past census and therefore lowered the participation statistics. This will be remedied at the time of the next Census in 2030. The Community Resilience Specialist attended the first meeting of the Special Commission to Study and Evaluate Rhode Island's Electric and Natural Gas Transmission and Distribution System meeting, chaired by State Senator Lou DiPalma, and will continue to participate throughout the term of the commission. Quarterly reports to the RI Resource Recovery Corporation (RIRRC) continue to be submitted for the food waste capture program at the Pell School, a project of interest to the Energy & Environment Commission. FoodSCAPE Director, Diane Calvin, has moved out of state and her duties to oversee the project have been taken over by Aquidneck Community Table at RIRRC's approval. Unfortunately, the project has been put on hold due to COVID protocols. A funding extension may be approved after the grant period expires in June 2021.

2. Waterfront

Mr. Oliveira presented the following: The Waterfront Commission got a preliminary presentation from the developers of Perry Mill Wharf. The Commission is concerned about expanding short-term rentals in the harbor.

I. Staff Report

1. Technical Review Committee Report

The Technical Review Committee is finalizing its review of Perry Mill Wharf. They will review a preliminary proposal to redo the Sayers Wharf parking area. The result of the waterfront projects will hopefully create access from Market Square to Lee's Wharf and Howard Wharf to Coddington Wharf. The brewery expansion was approved January 27.

2. Hazard Mitigation Plan

Director Reynolds expects the contract will be signed any day.

3. Transportation Master Plan

The state is close to signing the contract and a press release will announce the hiring and next steps as soon as that happens.

4. Aquidneck Island Planning Commission strategic planning

The second meeting with municipal staff was similar to the first meeting. There is some consensus that the current AIPC organization is insufficient.

5. Rhode Island League of Cities and Towns conference

Mr. Friedrichs attended this conference with Mr. Marshall and Mr. Michaud. The greening your community session had interesting parallels to the City's efforts with community choice aggregation. The State is looking at updating the open meetings act to allow virtual meetings after the pandemic.

VII. Adjournment

The Board voted unanimously to adjourn the meeting at 9:40 pm.