This meeting was held in person and recorded.

**Call to Order**
The Chair called the meeting to order at 6:35 pm

**I. Roll Call & Determination of Quorum**
The Secretary called the roll and determined a quorum of Board members present.

Members Present:
Chair Jeffrey Brooks
Vice Chair Melissa Pattavina
Paul Marshall
Margaret Polski
Justin Smith
Theresa Stokes
Anand Toprani

Members Absent:
Secretary Kevin Michaud

Staff Present:
Patricia Reynolds, Planning Director
Tuuli Martin, City Planner

**II. Minutes, Review and Approval.**
August 1, 2022 meeting minutes were reviewed and approved with Mr. Marshall and Dr. Toprani abstaining due to absence from that meeting.

**III. Communications**
There were no communications presented.

**IV. Business**
A. Development Plan Review, procedural correction
   Continued from the August 1, 2022 meeting due to lack of a quorum for consideration of this matter.
   **9 Sayer’s Wharf and 0 America’s Cup, TAP 27, Lots 2 and 283**
   Amending the motion from a recommendation to the Zoning Board of Review to an approval of the Development Plan.

B. Providing an Opinion of Finding of Conformity with the Comprehensive Plan to the Zoning Board of Review
   **20 Summer Street, TAP 10, Lot 6**
   Continued from the August 1, 2022 meeting at the request of the Applicant.
   Petition of Carlos Rodrigues, applicant and owner, for a special use permit and a variance to the dimensional requirements to construct a second and third floor deck/stairway system which will increase
Attorney Peter Regan was present to announce the applicant has withdrawn the special use application. The Board voted unanimously to remove the item from the agenda.

C. Providing an Opinion of Finding of Conformity with the Comprehensive Plan to the Zoning Board of Review

311 Broadway, TAP 6, Lot 17-4

Petition of Brenda L. Sabbag, Provencal Bakery, applicant and owner, Provencal Bakery, for a special use permit and a variance to the off-street parking requirements for permission to expand the existing fast food restaurant (bakery). Property is zoned LB Limited Business.

Attorney J. Russell Jackson, Miller Scott Holbrook & Jackson, and the applicant and owner Brenda Sabbag were present.

Board members requested additional information on current employee numbers, parking, possibilities to promote transit use among employees, and loading needs. Ms. Sabbag answered that Provencal Bakery is currently operating as a wholesale business with one to three employees on site at a time, utilizing existing parking on the property. The additional space is needed for wholesale operations, but it would assist in re-opening retail. Due to shift start and end times (3am, 9pm), transit would likely not be a viable option for employees, but the applicant expressed willingness to incentivize transit among employees. Estimated traffic will remain at pre-2019/2020 levels. There will be no change to deliveries, which are received once a week. Additionally, the applicant has been in communication with Department of Environmental Management to appropriately address all soil disturbance impacts given the property’s former use as a gas station and automotive repair shop.

There were no members of the public present to speak to the application. One letter of concern had been submitted to the zoning office in response to the abutter notification.

The Board entertained motion to place a condition of approval to satisfy Goal T-5 – To provide sufficient and suitably located parking, designed to eliminate, mitigate, or reduce impacts:

- That a bike rack be installed on the property for customers’ use.

Motion was moved by Vice Chair Pattavina, seconded by Mr. Marshall. All voted in favor. Applicant agreed to the condition.

Chair Brooks made a motion to adopt the staff report as findings of fact with the added condition of approval. Motion was moved by Mr. Smith, seconded by Dr. Polski. All voted in favor.
D. Principle Structure(s) Demolition Approval Application, Public Hearing and Possible Action

64 Harrison Avenue, TAP 41, Lot 249
Petition of East Branch Custom Homes, LLC, owner and applicant for demolition of an existing three-story single-family residence and semi-detached single stall garage to provide for the construction of a new single-family residence and detached garage. Property is located in R-40 Residential district.

Attorney J. Russell Jackson, Miller Scott Holbrook & Jackson, presented the application. There is an existing single-story single-family residence and a semi-detached garage on the subject property. The existing residence is not suitable for a desired expansion to the residence due to structural deficiencies. The new single-family home is planned to be built compliant to the zoning code.

62 Harrison Avenue, Michael Curran, spoke to the application. Mr. Curran was concerned that the trees on subject property may get damaged during the demolition and become a safety issue to their property. Attorney Jackson stated the owner is amendable to a condition to inspect the trees on the properties and ensure safety of neighbors. Additionally, Mr. Curran was concerned with possible runoff from the subject property. Attorney Jackson and Director Reynolds described the review and permitting process involving stormwater and pest management.

Chair Brooks made a motion that the application meets the requirements of Section 17.86.070 of the Newport Code of Ordinances, approve the staff report, and find the proposal meets the required standards for demolition, and approve the application with the following conditions:

1. A Physical Alteration (Excavation) permit must be obtained from Department of Public Services for any work on public ROW
2. A Driveway/Curb Cut permit must be obtained from Department of Public Services for any alterations to the driveway
3. Inspection of the existing trees to determine health and wellbeing, paid by the owner, ensures that the site disturbances do not affect the integrity or the trees’ health, or the safety of the abutters

Motion was moved by Dr. Polski, seconded by Mr. Marshall. All voted in favor, with Vice Chair Pattavina recused.

E. Principle Structure(s) Demolition Approval Application, Public Hearing and Possible Action

138 JT Connell Highway, TAP 4, Lot 13-4
184 Admiral Kalbfus Road, TAP 004, Lot 55
Petition of Colbea Enterprises, LLC, owner and applicant for demolition of remaining structures on the property, Bishop’s Fourth Street Diner, to provide for the construction of new Seasons Corner market and gasoline filling station. Property is located in CI Commercial-Industrial zoning subdistrict.

(48:00:00)

Staff submitted a revised staff report for this item, including the following revisions:
• Zoning District: UV Urban Village CI Commercial-Industrial (Page 1.)
• The subject property is located within the UV Urban Village CI Commercial-Industrial zoning subdistrict. The intent of this zoning district is to concentrate such activities in an area in which the transportation system is adequate for this purpose and no infringement upon the character of established residential areas will result. All residential uses are prohibited in this district for public health and safety reasons. (Section 17.64.010.- Legislative intent, City of Newport Code of Ordinances). (Page 2.)
• Recommended conditions:
  1. That any obstruction or work in the City’s right-of-way be approved by the City Engineering Office via an Obstruction Permit or Physical Alteration/Excavation Permit state right-of-way be coordinated with the Rhode Island Department of Transportation. (Page 4.)

Attorney Patrick Coyne of Adler Pollock & Sheehan P.C. and Mark Hollis, project engineer, were present.

Attorney Coyne presented the demolition application, which is related to a Development Plan application reviewed and approved by the Planning Board on January 10, 2022, and a Special Use Permit application reviewed and approved by the Zoning Board of Review on June 27, 2022. Per a court ruling, all remaining Bishop’s Fourth Street Diner structures became a property of Colbea Enterprises, LLC, on September 1, 2022. This demolition application is requesting approval to demolish the remaining structures to provide for the realization of the Development Plan.

Mr. Marshall inquired how the proposed demolition affects stormwater management on the property. Project engineer Hollis answered that the stormwater management plan submitted as part of the Development Plan application accounted for the removal of the diner structures.

Board members discussed the historic significance of the dining car. Ms. Stokes requested to add a condition of approval to ensure the preservation of the dining car should it be deemed of historic significance. Attorney Coyne stated that the applicant has made every reasonable effort to avoid the destroying of the diner car.

Phyllis Mulligan, resident of North End, was present to express opposition to the demolition of the diner car. No communications on the application had been submitted to staff in writing.

Chair Brooks made a motion to adopt the revised staff report, find the proposal meets the standards for demolition, approve the demolition application with the following conditions:
  1. That any obstruction or work in the state right-of-way be coordinated with the Rhode Island Department of Transportation.
  2. The applicant to make all reasonable efforts to confirm the dining car is not an historic structure with the State of Rhode Island Historical Preservation and Heritage Commission to the historic relevance to the building and to give the State of Rhode Island Historical Preservation and Heritage Commission an opportunity to find a suitable relocation to the dining car within a reasonable period of time.
Condition 2 was added to achieve conformance to required findings number 2 and 4 concerning cultural and historic resources and neighborhood character (Section 17.86.070, City of Newport Code of Ordinances). Attorney Coyne consented to the condition.

Motion was moved by Ms. Stokes, seconded by Dr. Polski. All voted in favor.

F. Findings and Recommendation to the City Council regarding CRMC Application
   **32 Bayside Avenue, TAP 9, Lot 299**
   The applicant, Equity Investment Group, LLC is petitioning to construct and maintain a 4 ft X 159 ft fixed timber pier residential boating facility. Variance is requested from 650-RICR-20-00-1.3.1.D.11.k (3) (pier is within 25 ft of both abutting property lines) and 650-RICR-20-00-1.3.1.D.11.l.(2), standard length is 50 ft beyond mean low water (pier is to extend 115 ft beyond mean low water). CRMC Application No. 2022-04-098. Property is located in R-10 Residential district.

Presented by Attorney Mary Sherkarchi, Shekarchi Law Offices. Exhibits A-1 and A-2, letters of support from neighbors at 1 Cypress Street and 131-133 Washington Street, were submitted.

The Board found the petition consistent with the Comprehensive Land Use Plan, particularly, the project supports the following Land Use Policies and Goals: Goal LU-1, Action OSR-3.3B, and Policy NR-2.5.

The Board entertained a motion to recommend the City Council send a Letter of No Objection to the CRMC regarding Application No. 2022-04-098, dated August 18, 2022. Motion was moved by Dr. Polski and seconded by Mr. Smith. All voted in favor, none opposed.

G. Findings and Recommendation to the City Council regarding CRMC Application
   **88 Washington Street, TAP 12, Lot 46**
   The applicant, William Ruh Trust, is petitioning to construct a new residential boating facility of 4’ X 112.5’ fixed pier and a 4’ X 20’ Terminal L section. Also install 1200# boat lift. Facility is proposed over Submerged Aquatic Vegetation (SAV) bed. Pier will extend 103.6’ beyond mean low water requiring a variance of 53.6’ to the 50’ standard (RICRMP 1.3.1. D.11.1.) Dock is designed in accordance with Burdick & Short deep-water habitat requirements. (5’ depth at mean low water). CRMC Application No. 2022-06-148. Property is located in R-10 Residential district.

Planner Martin introduced the item.

Tom Gibson, 137 Harrison Avenue, spoke on behalf of Friends of the Waterfront (FOW). Mr. Gibson drew attention to Chestnut Street drift way as a CRMC designated right of way, abutting the subject property. The FOW is concerned with the drift way becoming a staging area for the construction of the proposed dock.
The Board entertained a motion to adopt the staff report as findings of fact. Motion was moved by Ms. Polski, seconded by Mr. Smith.

Mr. Marshall raised the concern over the proposed equipment, particularly the terminal L section and boat lift, which are not present on any other docks in the area. Chair Brooks agreed that it’s a viewshed issue and did not support setting a precedence for boat lifts, possibly exacerbating the viewshed issue in the future. All voted in favor to adopt the staff report as findings of fact.

The Board entertained a motion to recommend the City Council send a Letter of No Objection to the CRMC regarding Application No. 2022-06-148, with the following conditions:

1. Ensure that Chestnut Street public access and use of the drift way is not adversely affected during the construction of the pier.
2. The applicant remove the boat lift from the application.

The motion was moved by Dr. Polski, moved by Mr. Marshall. The motion was approved by Chair Brooks, and Board members Mr. Marshall, Dr. Polski, Ms. Stokes, and Dr. Toprani. Mr. Smith voted against and Vice Chair Pattavina recused.

V. Presentation and Discussion on Reports

The North End Equitable Development Strategy – for Planning Board review and possible discussion

Maggie Martin represented the North End Local Advocacy Group (LAG), initiators of the North End Equitable Development Strategy. Planning Board members received a copy of the Strategy for their review. The hope of the LAG is to receive Planning Board acknowledgment of the strategy and support of the strategy’s goals in future development projects in the North End.

Liaisons’ Reports were given on the following:

a) Transportation Working Group
   Vice Chair Pattavina informed the Board of the progress of the Transportation Master Plan. A public draft of the final plan will be released for a public comment period by the end of the month.

b) Tree and Open Space Commission
   Mr. Michaud, liaison to the Tree and Open Space Commission, was absent from the meeting.

c) Waterfront Commission
   Mr. Smith reported that the Waterfront Commission is working on a Mooring Program to ensure compliance in the mooring areas and improve dock access to local residents.

d) Energy and Environment Commission
   Mr. Marshall reported that the Commission is in the process of drafting a Request for Proposals to conduct a municipal greenhouse gas inventory.
e) Technical Review Committee Report, August 10, 2022
Director Reynolds reported that the Technical Review Committee last met on August 10, 2022. Advice and comments were given to three (3) demolition applications, two of which were reviewed by the Planning Board earlier (Item D, Item E). Third application for property located at 18 Cliff is pending further documentation. Two (2) Development Plan Review applications are in the process of TRC review: 105 Broadway for a commercial parking lot; 144-150 Thames Street for mixed-use development.

VII. Adjournment
The Board voted unanimously to adjourn the meeting at 9:04 pm.