Monday, June 3, 2019 Newport City Hall, Council Chambers 43 Broadway, Newport, RI

I. Call to Order

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

II. Roll Call & Determination of Quorum

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

Members Present:

Kim Salerno, Chair

Liam Barry, Vice Chair

Jeff Brooks, Secretary

David Allard

John Oliveira

Melissa Pattavina

Members Absent:

Timothy Burns

Staff Present:

Peter Friedrichs, City Planner

Nancy Simoes Caron, Stenographer, Allied Court Reporters

- III. Review, discussion, and/or action of Minutes of Preceding Meetings
 - A. May 6, 2019,

The minutes were reviewed, and approved, with Ms. Pattavina abstaining.

- IV. Receiving of Communications
 - A. Notice And Claim of Appeal: SRU Holdings, LLC and Salve Regina University AP 36 Lots 36, 39, 10, 103, and 104, 34, 45, and 51 Shepard Avenue, 26 Lawrence Avenue, and 74 and 80 Victoria Avenue (Watts Dormitory)

Received.

- V. Business
 - A. Demolition Permit Public Hearings and Possible Action:
 - 1. Continued Petition of Matthew Pennino, applicant and owner, regarding demolition of a residential-scale garage on unnumbered property on Dresser St. AP 31 Lot 29 A motion to approve the application and staff report as findings of facts was made by Vice-Chair Barry and seconded by Mr. Allard. The motion passed unanimously.

A motion to approve the demolition permit, citing Comprehensive Plan elements LU-1, H-1, and H-3, that no housing was being removed, and that historical evidence appeared to indicate the garage is not original to the adjacent 19th-century home, was made by Vice-Chair Barry and seconded by Secretary Brooks and Mr. Allard. The motion passed unanimously.

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2. Petition of Edward McPherson, applicant, and City of Newport, owner, regarding demolition of two former school structures on 435 Broadway AP 6 Lot 11

A motion to approve the application and staff report, as amended, as findings of facts was made by Ms. Pattavina and seconded by Vice-Chair Barry.

A motion to refer the application to the Historic District Commission for comment on the historic value of the property was made by Ms. Pattavina and seconded by Vice-Chair Barry. The motion failed 1-5, with Chair Salerno the sole affirming vote.

A motion to approve the demolition permit was made by Mr. Oliveira and seconded by Secretary Brooks, subject to the following conditions: (1) the utmost protection shall be made for the surrounding neighborhood during the demolition, (2) the cross shall be carefully removed and returned to the Church of Jesus Saviour, (3) the demolition shall not be undertaken until the applicant has received the zoning approval for construction and Preliminary Approval for the subdivision, and (4) wattles shall be utilized instead of silt fencing to protect the limits of disturbance. The motion passed 5-1, with Chair Salerno the sole opposing vote.

- B. Public Informational Meeting and Major Subdivision Master Plan Approval:
 - 1. Petition of Edward McPherson, applicant, and City of Newport, owner, regarding Master Plan Approval of a Major Subdivision of 435 Broadway AP 6 Lot 11 into five (5) lots: one (1) lot of 41,939 sq. ft. for a school of limited instruction and four (4) residential lots between 9,000 and 10,000 sq. ft. each

A motion to waive the requirements of Major Subdivision Master Plan Preliminary application requirements I.F.2.b.vi. (drainage) and I.F.2.b.xii. (protective covenants) until preliminary stage per IV.C.2. ("in the best interest of good planning practice and design, as evidenced by the City of Newport Comprehensive Plan and the Zoning Code:" RIGL 45-22.2-3(c)(1-9), State Plan Land Use Guide Objectives 3G, 4A, 4B, and 4C, State Housing Plan Implementation Proposal and Recommendation 5-2-5.4, Rhode Island Water 2030 Goal WRM-2.1, Water Quality 2035 Stormwater Policies 1 Action C, G, H, and J, 5 Action B, and 7 Action B, Newport Comprehensive Plan Goals LU-1, LU-2, ED-1, WA-1, WA-4, and WA-6; RIGL 45-24-30 (2-15) and Newport Zoning Ordinance 17.88, 17.100.010, and 17.108.020) and waiver of application requirement I.F.2.b.x. (outstanding tax liens) per IV.C.2. ("literal enforcement is impracticable and will extract undue hardship because of peculiar conditions pertaining to the land in question:" owned by City of Newport since 1991) was made by Ms. Pattavina and seconded by Mr. Oliveira. The motion passed unanimously.

A motion to continue the matter to the July 1, 2019 meeting was made by Ms. Pattavina and seconded by Vice-Chair Barry. The motion passed unanimously.

- C. Special Use Permit Comment to Zoning Board of Review:
 - 1. Petition of Newport Lodging, LLC, applicant and owner, regarding a special use permit to utilize one unit of a 2one-unit dwelling as a 2-bedroom guesthouse with an onsite owner/resident manager living unit at 7 Annandale Road, TAP 29, Lot 40, (R-10 zone).

A motion to accept the application and staff report as findings of fact was made by Secretary Brooks and seconded by Ms. Pattavina. The motion passed unanimously.

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A motion to request staff provide a statement to the Zoning Board of Review summarizing the Planning Board's findings of general consistency of the petition with the goals and purposes of the Newport Comprehensive Plan, citing LU-1, LU-1.7, ED-1, H-1, H-2, and T-5, was made by Mr. Brooks and seconded by Vice-Chair Barry. The motion passed unanimously.

2. Petition of Brandon Pico & Danielle McNamara, applicants and owners of 50-52 Marchant Street AP 39 Lot 400 (R-10 zone) regarding a special use permit to utilize **both** units of a 2-unit dwelling as 2-bedroom guesthouses with an **adjacent** owner/resident manager living unit at 31 Stockholm Street, TAP 39 Lot 415, (R-10 zone), where the applicants are owner-occupants.

A motion to request staff provide a statement to the Zoning Board of Review summarizing the Planning Board's findings of general consistency of the petition with the goals and purposes of the Newport Comprehensive Plan, citing LU-1, LU-1.7, ED-1, H-1, H-2, and H-3, was made by Secretary Brooks and seconded by Ms. Pattavina. The motion passed unanimously.

3. Petition of Ben's Chili Dogs, LLC, applicant, and Newport Shore Commercial Properties, LLC, owner, regarding a special use permit to expand a fast-food restaurant at 156-158 Broadway Annandale Road, TAP 14, Lot 105, (GB zone).

Mr. Oliveira left the meeting prior to this item being heard.

A motion to accept the application and staff report as findings of fact was made by Ms. Pattavina and seconded by Secretary Brooks. The motion passed unanimously.

A motion to request staff provide a statement to the Zoning Board of Review summarizing the Planning Board's findings of general consistency of the petition with the goals and purposes of the Newport Comprehensive Plan, citing LU-1, LU-1.6, LU-1.7, and ED-1, was made by Ms. Pattavina and seconded by Secretary Brooks. The motion passed unanimously.

- D. RIGL 45-22-7(j) required training concerning the effects of development in a flood plain and the effects of sea-level rise
 - 1. <u>Prep-RI Module 1</u>

This agenda item was not considered, as all members present had already completed the training.

E. Discussion regarding calling upon other departments, boards or agencies. Staff explained the process for the Planning Board to call upon departments, boards, and agencies. The potential for an amendment to the bylaws regarding review of structures for historic value as part of the demolition permit process was discussed specifically.

VI. Reports

- A. Chair's Report
 - 1. Zoning amendments

The Chair reported that zoning amendments to bring the zoning ordinance in compliance with state law have been drafted by the Zoning Official. She will work with staff to have them officially submitted in the near future.

B. Resiliency Liaison's Report

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A motion to continue the Resiliency Liaison's report to the July 1, 2019 meeting was made by Vice-Chair Barry and seconded by Secretary Brooks. The motion passed unanimously.

C. Staff Report

1. Innovation Zoning: https://www.brookings.edu/blog/the-avenue/2019/02/21/innovation-districts-and-their-dilemmas-with-place/

The City Planner reported that he was working with the Mayor on setting up a Council Workshop with the Planning Board to discuss innovation zoning.

2. Short-Term Rentals

The City Planner reported that he had analyzed short term rentals by zone and found some correlation between registration status and property value. More research is needed to determine if this is causal.

3. Subdivision Regulations Amendment

The City has recently had issues with development of paper streets. The Subdivision Regulations amendment that added paper streets in 2014 was never recorded, so that amendment will be redone at the July 1, 2019 meeting along with adjustments to the Regulations to comply with state law.

- 4. Analysis of Priority Topics Identified as Inconsistent Between Title 17 of the Newport Code of Ordinances and the 2017 City of Newport Comprehensive Plan Roger Williams University has completed an extensive report that is available for reading.
- 5. Development Plan Review for 10 Washington Square (Bank Newport) The Technical Review Committee will review development plans for 10 Washington Square at their June 12, 2019 meeting.
- 6. West Side Master Plan Summit
 The Planner will report on this matter at the July 1, 2019 meeting.

VII. Adjournment

A motion to adjourn the meeting was made by Ms. Pattavina and seconded by Mr. Allard. The motion passed unanimously.

The meeting adjourned at 10:07 pm.