

Meeting Minutes Newport Planning Board

**Monday, August 5, 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
Elizabeth Fuerte
Paul Marshall
John Oliveira

Members Absent:

David Allard
Timothy Burns
Melissa Pattavina

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. [June 3, 2019](#)

Upon a motion by Vice-Chair Barry, seconded by Mr. Oliveira, the minutes were approved unanimously.

B. [July 1, 2019](#)

Upon a motion by Vice-Chair Barry, seconded by Mr. Oliveira, the minutes were approved unanimously.

IV. Communications

A. [Notice of Subdivision Regulations Amendment in Middletown](#)

Received.

V. Business

A. Demolition Permit Public Hearings and Possible Action:

1. [Continued Petition of Mark and Jane Oravec, applicant and owner, regarding demolition of a single-family home at 9 Lee's Wharf, Assessor's Plat 32 Lot 253](#)

- [Staff Report \(amended\)](#)
- [Exhibit A Photos](#)
- [Exhibit B RIHPHC Letter](#)
- [Exhibit C Historic Analysis](#)
- [Exhibit D CRMC approval](#)
- [Exhibit E RIHPHC approval](#)
- [Exhibit F Preservation Planner Memo](#)

Meeting Minutes Newport Planning Board

Monday, August 5, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

- [Exhibit G Southern Thames Historic District](#)

Upon a motion by Secretary Books, seconded by Vice-Chair Barry, the Board voted 5-1 to adopt the application and staff report as findings of fact, with Chair Salerno voting against. Upon a motion by Secretary Brooks, seconded by John Oliveira, the Board voted 5-1 to approve the demolition, with Chair Salerno voting against.

B. Special Use Permit Comment to Zoning Board of Review:

1. [Petition of Peter Andre Arguimbau, applicant and owner, regarding a special use permit to utilize the second and third floors of a mixed-use structure as a guesthouse with an onsite owner/resident manager at 267 Spring Street, TAP 27, Lot 138, \(R-3 zone\).](#)
 - [Staff Report](#)
 - [Short Term Rentals Locus](#)

Secretary Brooks recused himself due to a possible conflict of interest. The applicant presented his petition, citing his desire to reduce his request to two bedrooms from four. Realizing that this could be accommodated by a home occupancy, the applicant requested time to consult the zoning official. Upon a motion by Ms. Fuerte, seconded by Vice-Chair Barry, the Board voted unanimously to continue the matter.

C. Findings and Recommendation to the City Council regarding a Zoning Ordinance Amendment:

1. [Petition of Admiral Newport, LLC for the creation of a Mixed Use Planned District floating zone for planned development 20 or more acres in size within the Commercial-Industrial District to permit an alternative review process for large developments through the zoning ordinance amendment process, pursuant to Section 17.120 of the City of Newport Code of Ordinances](#)

David Martland, representative of the applicant, presented the petition. The intent is to provide for a mix of uses consistent with the proposed Mixed-Use Innovating zoning in the North End and floating zoning.

Kelly MacArthur Coates, President and Chief Executive Officer of Carpionato Group, the developer, explained this was a normal process in cities large and small. The goal here is to provide the density necessary to attract innovation uses. A presentation was made. Taxes paid in Cranston exceeded expectations and over \$1 million in goodwill dollars has been given to support community initiatives in Cranston and Warwick. Carpionato will commit to local preference in hiring. The idea is not to compete with downtown or the waterfront, but to provide infrastructure for a successful North End.

Eric Zuena, architect for the applicant, explained the goal is to create a development that is just as active in January as June, with contemporary seaside coastal design.

Spencer Cordsten, architect for the applicant, offered that he lives and works nearby and has driven past the site for years. His interpretation of the design is to take the Newport aspects of the island

Meeting Minutes Newport Planning Board

**Monday, August 5, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI**

and infuse it into the design concept. He referenced display boards. He explained the intent is to design streets for pockets of outdoor seating and screen parking to prevent it from being overwhelming. Newport has a mix of styles and this is reflected in the concept. Car-charging and solar panels provide modern touches. Greenery is added at every opportunity, including trees to provide shade in the summer, while allowing light in the winter.

Mr. Coates provided additional testimony, noting that he has met with RIDOT and FHWA. The existing zoning for the property does not match the design intent. The idea is to live, work, and play here. Chapel View in Cranston and District Wharf in Washington, DC are good examples of Carpionato's prior work.

Peter LaPolla, presented himself as an urban planning expert on behalf of the applicant and provided a report. Attorney Martland confirmed with Mr. LaPolla that the Comprehensive Plan allows a floating zone, which is what this petition creates and that the process provides flexibility for negotiation between the City and the developer.

Mr. Brooks asked the applicant if they have seen the City's proposed zoning for the area and if the two efforts could be combined. Attorney Martland responded that he had seen that proposed zoning and that he thought that was beyond what could be required of his client. Chair Salerno stated she felt the Planning Board's sense of urgency to rezone the North End was not shared with the rest of the City. Mr. Coates asked that the City does not lose the good in search of the perfect. Chair Salerno opened the meeting to public comment.

Rex LeBeau, 18 Ruggles Avenue, Newport, expressed a desire for the site to be redeveloped. They said it was unclear how the zoning amendment will encourage walking, cycling, and transit. Admiral Kalbfus Road is a barrier that divides the city. They said it was unclear how this proposal met the safety, health, and welfare purposes of zoning, other than creating jobs. Given that this project has already received brownfield funds from RIDEM, there should be a public benefit. They want a community benefits agreement, so that the community can work with the developer and hold them accountable. Hiring local residents should be full-time with benefits. Open space should be accessible. The community needs a swimming pool, childcare, and equitable and safe transportation options.

Jean Reisman, a Middletown resident employed at the Newport Health Equity Zone (a public health organization with community partners focused on improving environmental and social conditions in the North End), 1 York Street, Newport, seconded the desire for a community benefits agreement. She also expressed a desire for an advisory committee that includes North End residents. She expressed concerns about affordable housing, displacement, and connectivity.

Lola Herrera, 59 Bedlow Avenue, Newport, mentioned this area is an Opportunity Zone. She seconded Rex LeBeau's point that Admiral Kalbfus Road creates two Newports. She supported the mixed use, but said the amendment needs to consider the whole North End. She thought a community benefits agreement seemed like a good idea.

Meeting Minutes Newport Planning Board

Monday, August 5, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

William Lucy, former publisher of the Newport Daily News, expressed his support for the project. He has faith in the developer and thinks the details can be worked out.

Phyllis Mulligan, 200 Park Holm, Newport, thought there are lots of good things, but more that can be done to keep young people. She wanted to know what kind of residential would be proposed. The community does not have enough affordable housing. She was hoping to see a community center and theater.

Barbara Van Beuren, an Aquidneck Island resident, architect, and real estate developer in New York City for the last 20 years, thought this amendment would throw away an important opportunity with the bridge realignment. A regulation from a developer was like asking the fox to guard the hen house. A Master Plan, the intermediary step between the Comprehensive Plan and zoning amendment, has not been completed. Carpionato is a shopping mall developer with a declining market. The ordinance is too loosely written. It is chaos, not flexibility. The ordinance lacks transportation, parking, open space, and FAR requirements. A Master Plan by a reputable firm and a steering committee are needed, with an inclusive process that identifies community needs.

Ronald Fleming, a part-year resident and planner and designer, thought this was a pre-emptive strike on the City's zoning rights. This site could be a regional high school. The city needs more housing. He encouraged everyone to think about the larger opportunity and the neighborhood near the bridge more broadly.

Ms. Fuerte asked what the public process was. Chair Salerno advised that this was the state minimum for consideration.

Vice-Chair Barry asked for tables comparing this amendment with the existing zoning and the other amendment the Board was considering. Attorney Martland advised he could provide this information. Vice-Chair Barry asked about height and Attorney Martland advised that the existing structure is 87' tall. Carpionato's project will additionally undergo Development Plan Review, be analyzed for traffic, economic, and environmental impacts, and provide public transportation and a bicycle path.

Secretary Brooks asked that this language be reflected in the ordinance. He supports density.

Mr. Coates said the buildings would be constructed to LEED Gold standard and feature green roofs.

Mr. Marshall asked for examples of goodwill expenditures made by Carpionato and that the community benefits agreement, traffic study pre- and post- Pell Bridge ramp realignment, market study, and open space provisions be a required component of the zoning map change. Studies should be done by the City and paid for by the developer.

Chair Salerno echoed the call for a market study.

Ms. Van Beuren mentioned the Master Plan as a necessary document. The Comprehensive Plan is aspirational; it does not engage the local community.

Meeting Minutes Newport Planning Board

**Monday, August 5, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI**

Mr. Fleming stated the City should create its own process to avoid being stuck on the state timeline for a zoning amendment. An advisory group should be created.

Mr. Marshall asked if the developer would give the City more time to review the proposal.

Mr. Martland responded that they will be flexible and give the Board the information it needs, but the 6-12 months specified in the Comprehensive Plan is only aspirational. The state law is 45 days.

Chair Salerno directed the Board to markup the ordinance for the next meeting, giving special consideration to uses and forgotten elements.

Ms. Mulligan asked if the amendment was for a specific property or more general. Chair Salerno responded it was for a floating overlay in the Commercial-Industrial District.

Irene Lafaille, 22 Summer Street, Newport, a JD and commercial appraiser, advised that innovation centers are typically within ¼ of a city hall and cited Tremont Street and the Seaport in Boston as good examples of innovation districts. She does not see restaurants and stores as the answer. Chair Salerno reminded Ms. Lafaille of Innovate Newport's location on Broadway.

Upon a motion by Vice-Chair Barry, seconded by Ms. Fuerte, the Board voted unanimously to continue the matter to a 6:30 p.m. August 21st special meeting, here in the Council Chambers.

VI. Presentation and Discussion of Reports

A. Chair's Report

1. Innovation District Zoning

Leadership will meet to discuss ideas for moving this forward prior to the next meeting.

B. Staff Report

1. Short-Term Rentals

The City is hiring a part-time short-term rentals enforcement officer. Their office will be located on the third floor of City Hall.

2. Technical Review Committee Report

The Technical Review Committee conducted informal review of redevelopment of Perry Mill Wharf as a boat showroom and restaurant, consisting mostly of open parking lot.

3. Middletown Hazard Mitigation Plan Update

Middletown held a public meeting on their updated of their Hazard Mitigation Plan on July 26th.

Their plan includes terrorism and chemical spills, which would be good things for Newport to add to its 2021 update.

VII. Adjournment

Upon a motion by Mr. Oliveira, seconded by Secretary Brooks, the Board voted unanimously to adjourn the meeting at 9:37 p.m.