

Meeting Minutes Newport Planning Board

Monday, September 9, 2019
Newport City Hall, Council
Chambers
43 Broadway, Newport, RI

I. Call to Order

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

Paul Marshall

John Oliveira

Melissa Pattavina

Members Absent:

Elizabeth Fuerte

Staff Present:

Peter Friedrichs, City Planner

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

A. [August 21, 2019](#)

The minutes were approved unanimously.

IV. Communications

There were no communications to receive.

V. Business

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

1. *(Continued from August 5 and 21, 2019)* [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](#)
 - [Applicant's Presentation](#)
 - [Applicant's Urban Planning Expert Report](#)
 - [Staff Report](#)
 - [Planning Board Comments](#)
 - [Planning Board Ordinance Markups \(amended to include Ms. Pattavina\) "Substitution B"](#)

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Chair Salerno identified five areas of concern in the marked-up ordinance (Substitute B) for further discussion: parking, heights, density, uses, and use percentages.

Secretary Brooks thought structured parking should be required, specifically mentioning avoiding a large parking lot like is present at Chapel View. He wanted to see transit accommodation and noted the need for a park and ride in the area. This was echoed by Chair Salerno, Ms. Pattavina, and Mr. Marshall. Mr. Marshall noted the need for bicycle parking.

Secretary Brooks noted important views and the expressed an appreciation for the general views of Newport that show a skyline dotted with steeples, with structures in this area in the 60'-70' range. Vice-Chair Barry expressed a differentiation in allowed heights by use, such as 50' for apartments (as an incentive) and 40' for hotels. Chair Salerno thought there were opportunities for differentiation, but that 90' was too high. All Board members visibly nodded in agreement.

Vice-Chair Barry expressed the need for more apartment buildings in this area and support for greater density opportunities to support that. Secretary Brooks and Mr. Marshall noted their desire to see this coupled with additional open space. Chair Salerno thought the density should reflect the area and be compatible with the historic urban core.

Chair Salerno thought further discussion of permitted uses was warranted.

Vice-Chair Barry expressed his support for Secretary Brooks' use percentages concept. Secretary Brooks noted they were not based on anything and was unsure if the uses should be distributed by total square footage or footprint.

Upon a motion by Vice-Chair Barry, seconded by Ms. Pattavina, the Board voted 5-0 (with Ms. Pattavina abstaining due to previous absence) to forward Substitute B to the Council for reference purposes.

Chair Salerno then directed conversation to the matter of making a recommendation regarding the proposed amendment to the City Council. She noted that a request for a floating zone is reasonable, fair, and consistent with the Comprehensive Plan, but the proposal, as submitted, omits key features to protect the public interest. Upon a motion by Ms. Pattavina, seconded by Mr. Marshall, the Board voted 5-0 (with Ms. Pattavina abstaining due to previous absence) to direct staff to draft a letter to the Council containing the following recommendation for review by the Board at their October 7th meeting:

While the proposal has much consistency with the Comprehensive Plan, significant omissions prevent us from recommending this specific change to the code. We recommend a timely review of the Admiral Newport proposal, of Planning Board concerns, and of noted omissions. We recommend the City Council consider additional provisions from the Substitute B document. We recommend a concurrent review of the Matrix Innovation Zoning proposal as well as underlying zoning, as it relates to desired outcomes in the North End. We recommend staff assist in a process that addresses applicant and community interests. We recommend the Council explore a moratorium on any construction that requires Development Plan Review in the Mixed-Use

Innovation area as depicted on the Future Land Use Map until an Urban Plan for the North End and a Citywide Transportation Master Plan are completed. We recommend the Council reexamine the reviewing bodies outlined in the Comprehensive Plan to determine if this is the best way to review future development. We believe any planning process should fully engage the Planning Board and Planning staff, and should discourage political influence.

David Martland, representative of the applicant, consented to the extension of the Planning Board's review.

2. [Petition of ARC HTNEWRI001, LLC to rezone 2 Kay Street Assessors Plat 21 Lot 123 to change the zone of the property from R-10 Residential to General Business.](#)

- [Applicant's Analysis](#)
- [Floor Plan and potential restaurant menu](#)
- [Staff Report](#)

Russell Jackson, attorney for the applicant, presented the petition. He noted the proximity of General Business (GB) properties, including the Viking Hotel across the street. The goal of the petition is to enable the property owner to operate a standard restaurant in the first floor of the bed and breakfast. Both uses are allowed by right in a GB zone. They believe the petition is consistent with the Comprehensive Plan and are looking for a positive recommendation to the City Council.

John Boxford, representative of the property owner, explained the restaurant was looking to serve 30-40 patrons for dinner only with local farm-to-table procurement, narrated by a celebrity chef they are courting from New York City. The innkeeper lives onsite and that will continue. The hope is to connect the garage prep areas to the main house with a breezeway, construction of which would need to be approved by the Historic District Commission. The hope is for alcohol to be served at the dinner tables; there would be no physical bar. Delivery would be from small farm trucks in the parking lot; there would be no large delivery trucks stopping on the adjacent streets.

Secretary Brooks inquired as to why the application is not for Limited Business (LB). Mr. Jackson responded that they were wary of introducing a new zone to the area and thought it likely more palatable to expand the adjacent GB zone. Staff explained to the Board the similar setbacks, coverage, and permitted uses between the LB and GB zones.

Paige Bronk, expert planner for the applicant, presented his report. He noted the mixed uses in the area and confluence of zones and also mentioned the importance of the tourism economy for Newport. He noted the year-round operation of the bed and breakfast and the desired year-round operation of the restaurant.

Chair Salerno expressed her concern about potential by-right intensification if the change is granted. She also opined that the introduction of a restaurant would not enhance the historic characteristics of the property. Secretary Brooks agreed. Chair Salerno expressed appreciation for the involvement of local food vendors. Secretary Brooks noted that these would be good

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hospitality jobs. Chair Salerno inquired if there would be any external mechanical equipment added to the lot.

Mr. Jackson offered to discuss potential conditions of approval with staff prior to the October 7 meeting to alleviate the Board's concerns.

Upon a motion by Ms. Pattavina, seconded by Mr. Barry, the Board voted unanimously to continue the matter to the October 7 meeting.

B. Consideration and Possible Action Regarding

1. [Requesting the City undertake a Transportation Master Plan](#)

The Board voted unanimously to present the revised letter to the City Council.

VI. Presentation and Discussion of Reports

A. Chair's Report

B. Staff Report

The City Planner informed the Board that an RFP for an Urban Plan for the North End has been posted. Proposals are due October 16th.

1. [Administrative Subdivision \(lot line\) at the request of Philip J. Schmitt, applicant and owner, 375 Spring Street, AP 32 Lots 236 and 109](#)
2. [Administrative Subdivision \(lot line\) at the request of Luke C. and Cynthia J. Murray, applicants and owners, 9 Chapel Street and 19 Old Beach Road, AP 26 Lots 47 and 52](#)

The City Planner advised the Board of the approved administrative subdivisions.

VII. Adjournment

Upon a motion by Ms. Pattavina, seconded by Vice-Chair Barry, the Board voted unanimously to adjourn the meeting at 8:33pm.