



Annual Report of the
Planning Board

City of Newport, Rhode Island
2022

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From the Chair

Dear Mayor Khamsyvovavong & the City Council,

This past year marked the turning point back to “normalcy” after the pandemic with many pandemic era changes including the removal of virtual meetings options. The year overall turned out to be a relatively slow moving one with only a handful of Development Plan Review applications in front of us compared to prior years and all of which being applications the board’s considered before. Bringing the Transportation Master Plan to a close after working on it for years was the board’s biggest success of the year. We look forward to implementing its findings over the coming years as the city continues to grow and reshape in the coming decades.

A handful of subdivisions and demolition approvals were approved by the Planning Board, paving the way for additional housing which continues to be a major area of concern for the city. No additional workforce housing was presented to our board in 2022.

A goal for the coming year from the board will be more collaboration between our board, Zoning Board of Review and the City Council. We had a handful of forwarded applications & recommendations that were not taken into consideration or flatly rejected. For our board to continue the progress forward in our city, we need more cooperation between all city entities.

The board looks forward to 2023 hopeful to see applications in the North End under the new Urban Plan, a review of proposals for Coggeshall School, opening of Elizabeth’s Brook, additional housing projects and a realization of the bridge realignment.

Jeffrey Brooks
Chairman

Meeting Schedule and Attendance

The Planning Board met the first Monday of the month. The months of January, July, and September were irregularly scheduled for the second Monday of the month due to an observed city holiday. A special meeting was held in addition to the regular meeting in March for the review of the Waites Wharf redevelopment project. The October meeting was cancelled due to lack of items on the agenda.

Planning Board Member 2022 Meeting Date	Jeffrey Brooks – Chair	Melissa Pattavina – Vice Chair	Kevin Michaud - Secretary	Paul Marshall	John Oliveira	Margaret Polski	Justin Smith	Teresa Stokes	Anand Toprani	
January 10*	Present	Present	Absent	Present	Present	<i>Appointed in March</i>	Present	Present	Present	
February 7	Present	Present	Present	Absent	Absent		Present	Absent	Present	
March 7	Present	Present	Late	Present	Present	Present	Present	Present	Present	
March 3*	Present	Recused	Present	Present	Present	Present	Present	Present	Present	
April 4	Present	Absent	Present	Absent	Present	Late	Present	Absent	Present	
May 2	Absent	Present	Present	Absent	Present	Present	Present	Absent	Present	
June 6	Present	Late	Absent	Present	<i>Resigned in June</i>	Present	Present	Present	Present	
July 11*	Present	Absent	Present	Present		Present	Present	Present	Present	
August 1	Present	Present	Present	Absent		Present	Late	Present	Absent	
September 12	Present	Present	Absent	Present		Present	Present	Present	Present	
October 3	<i>No applications, Meeting cancelled</i>					<i>No applications, Meeting cancelled</i>				
November 7	Present	Present	Present	<i>Resigned in October</i>		Present	Present	Present	Present	
December 5	Present	Present	Absent		Present	Present	Present	Present		

* Irregularly scheduled meeting due to observed city holiday. A special meeting was held in addition to the regular meeting on March 3 for the review of the Waites Wharf redevelopment project.

Staff Attendance:
 Patricia Reynolds, Director of Planning and Economic Development was present at all meetings, except July 11
 Tuuli Martin, City Planner was present at all meetings from June 6
 Christine O’Grady, City Planner was present January 10
 Guy Weston, Zoning Official was present July 11, August 1
 Girard Galvin, Assistant City Solicitor was present March 21
 Jim O’Halloran, MIS, was present March 21, April 4
 Nick Craig, MIS, was present May 2

Applications Reviewed

The Planning Board reviewed the following application types and applications:

Providing an opinion of finding of conformity with the Comprehensive Plan:

2021 Community Development Block Grant (CDBG) Application for Project Year 19 funding.

25 Waites Wharf, 1 Waites Wharf, 16 Waites Wharf, and 20 W Extension Street, TAP 32 Lots 155 and 268, 248, and 267, respectively. Petition of Harbour Realty LLC, Tomorl LLC, and 20 West Extension LLC, applicants and owners, regarding Development Plan Review and a Special Use Permit and dimensional variances from the Zoning Board of Review for the proposed development of a transient guest facility. WB Waterfront Business zone.

16-18 Liberty Street, TAP 26, Lot 49-1. Petition of Adam Montalbano, applicant and owner; for a special use permit and a variance for off-street parking requirements for permission to convert the dwelling into a 3-bedroom guesthouse with a resident manager. R-10 Residential zone.

20 Summer Street, TAP 10, Lot 6. Petition of Carlos Rodrigues, applicant and owner, for a special use permit and a variance to the dimensional requirements to construct a 2nd and 3rd floor deck/stairway system which will increase the lot coverage from 29% to 35% (20% allowed), and convert the second dwelling into a four (4) bedroom guest house. R-10 Residential zone.

22 Freebody Street, TAP 33, Lot 156. Petition of Thao Vu Nguyen, Emthanh Nguyen, and Duong Nguyen, applicants and owners, to convert an existing two-family dwelling into a five (5) bedroom guest house, with a manager's dwelling unit. Property is zoned R-10 Residential zone.

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). LB Limited Business zone.

5 Princeton Street, TAP 06, Lot 350. Petition of Liam Barry, applicant and owner, for a special use permit and a variance to the off-street parking design standards for permission to convert the existing second dwelling unit into a 2-bedroom guest house use and provide 5 "stacked" parking spaces, (stacked parking spaces not allowed). R-10 Residential zone.

7 Hammond Street, TAP 35, Lot 235. Petition of Randolph Pomfret, applicant and owner, for a special use permit and a variance to the off-street parking requirements for permission to convert the existing dwelling unit into a 4-bedroom guest house and provide zero (0) additional off-street parking spaces. LB Limited Business zone.

Principal Structure(s) Demolition Approval:

138 JT Connell Highway and 184-186 Admiral Kalbfus Road, TAP 13, Lot 13-4 and 33. Petition of applicant and property owner, Colbea Enterprises, LLC, for demolition of four (4) structures:

an existing convenience store, car wash, gas pump canopy and 184 Admiral Kalbfus Road (Grow RI). CI Commercial-Industrial zone.

48 Whitwell Avenue, TAP 11, Lot 689. Petition of applicant and property owners Cayton and Lauren Scherf, for demolition of an existing single-family dwelling to provide for the construction of a new single-family dwelling. R-10 Residential zone.

82 Ellery Avenue, TAP 11, Lot 53. Petition of applicant and property owners Benjamin and Linda Paster for demolition of an existing single-family dwelling. R-10 Residential zone.

83 Roseneath, TAP 39, Lot 004-4. Petition EJ Hudson, applicant and owner, for demolition of an existing single-family dwelling (principal structure) and a detached garage. R-10 Residential zone.

677 Thames Street, TAP 39, Lot 055. Petition of applicant Mancini Demolition Inc. for demolition of an existing commercial property, constructed circa 1950, to provide for future development. LB Limited Business zone.

138 JT Connell Highway, TAP 4, Lot 13-4 and 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. CI Commercial-Industrial zone.

11 Annandale Road, TAP 29, Lot 060. Petition of Charles R. Bowe, III, applicant and owner, represented by Peter B. Regan of Sayer Regan & Thayer, LLP, for permission to demolish the existing single-family residence, applying to the property located at 11 Annandale Road. The owner of the property is seeking permission to demolish the existing single-family dwelling to provide for the construction of a new single-family dwelling. R-10 Residential zone.

Development Plan Review:

138 J TAP 16, Lot 058 to TAP 16, Lot 247 JT Connell Highway and 184-186 Admiral Kalbfus Road, TAP 13, Lot 13-4 and 33. Petition of applicant and owner, Colbea Enterprises, LLC, for Development Plan Review and a Special Use Permit from the Zoning Board of Review, for permission to construct a new gas station, convenience store, car wash and gas pump canopy. CI Commercial-Industrial zone.

25 Waites Wharf, 1 Waites Wharf, 16 Waites Wharf and 20 W Extension Street, TAP 32, Lots 155, 268, 248, and 267, respectively. Petition of applicant 20 West Extension LLC, TOMORL LLC, and Waites Wharf Realty Associates, LLC for a special use permit, and dimensional variances. WB Waterfront Business zone.

105 Broadway, TAP 21, Lot 196. Petition of Carpe Noctem Real Property, LLC, represented by Sayer Regan & Thayer, LLP, to convert the former gas station into a commercial parking lot. GB General Business zone.

107-111 Broadway, TAP 21, Lot 001. Petition of Carpe Noctem Real Property, LLC, applicant and owner, represented by Sayer Regan & Thayer, LLP, to add a second floor to the existing Fifth Element restaurant. GB General Business zone.

Subdivisions:

1 Hillside Avenue, TAP 5, Lot 003. Petition of Housing Authority of Newport regarding an administrative subdivision to reconfigure the lot to provide for the construction of LMI housing units. R-10 Residential zone.

65 Halsey, TAP 07, Lots 003 and 367 and TAP 09, Lot 2. Petition of Waste Management of Rhode Island, applicant and owner, a public hearing for a Major Land Development/ Subdivision, with a waiver from the NEUP Design Standards, to construct a new maintenance/office building and necessary related site improvements. This proposal is necessitated by the changes made to the parcel by the State of Rhode Island Department of Transportation as part of the Pell Bridge Ramp Realignment project. Maker-Tech subdistrict, IH Innovation Hub zone.

Rosedale Subdivision. 30 Red Cross and 187 and 177 Rhode Island Avenue, TAP 29, Lots 001 and 211. Petition regarding a minor final subdivision to subdivide two lots, both with existing dwellings and accessory uses, to create 4 lots, three lots with area greater than 20,000sf and one with 15,730 sf, three to provide for existing dwellings and one to provide for future residential development. R-20 Residential zone.

Cross-Zins Subdivision. 13 Second Street and 65 Bridge Street, TAP 16, Lot 058 to TAP 16, Lot 247. Petition regarding a minor preliminary subdivision to reconfigure two existing nonconforming lots, both with existing dwellings and accessory uses. There will be no new lot(s) created; 200 sq ft of land area will be transferred from TAP 16, Lot 058 to TAP 16, Lot 247. In addition to requiring Zoning Board of Review approval, this transfer will result in an irregular lot line and require a waiver from the Design Standards of the City's Development Review Regulations. R-10 Residential zone, Historic overlay.

187 RI Avenue Subdivision. 30 Red Cross Avenue, 177 Rhode Island Avenue, 187 Rhode Island Avenue, further identified as Tax Assessor's Plat 29, Lots 001, 212, 211, respectively. Petition regarding an administrative subdivision to move the lot line between Lot 212 and Lot 211 approximately 3.5ft north, and between Lot 212 and 001 approximately 2 ft east. The resulting lots are 1.18 acres (Lot 001), 0.36 acres (no change to size; Lot 212), and 0.49 acres (Lot 211) in size.

Marshall Subdivision. 15-17 Sylvan Street, further identified as Tax Assessor's Plat 33, Lot 105 and 106. Petition regarding an administrative subdivision to move the shared lot line 6ft east. The resulting lots are 14,002 sq. ft. and 12,372 sq. ft. in size. R-10 Residential zone.

Findings and Recommendation to the City Council regarding CRMC Public Notice:

5 Halidon Avenue, TAP 41, AL 02. CRMC File Number 2021-08-096. The applicant, New York Yacht Club is petitioning to rebuild a stone seawall and quay wall leading to their fixed pier. To accommodate and increase the setback, the boat house will be moved away from the seawall to the southwest. R-120 Residential zone, Historic overlay.

1 Washington Street, TAP 16, AL 235. CRMC File Number 2022-02-063. The applicant, SHM Newport Shipyard, is petitioning to remove an 8'x120' timber float and 8 steel piles, and reinstall a new 10'x120' concrete float, approximately 6' west, held in place with 4 new 18" steel piles with HDPE sleeves. A new 7'x8' timber float will connect the existing marina to the new relocated float. TM Traditional Maritime zone.

32 Bayside Avenue, TAP 9, Lot 299. CRMC Application No. 2022-04-098. 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). Property is located in R-10 Residential district.

88 Washington Street, TAP 12, Lot 46. CRMC Application No. 2022-06-148. 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). R-10 Residential zone.

5 Halidon Avenue, TAP 41, AL 02. CRMC Application No. 2022-09-020. The applicant, New York Yacht Club, is petitioning for a State of Rhode Island Assent to remove existing wooden pier and floating docks and construct and maintain an expanded recreational facility consisting of a 16'x136' concrete floating dock, 16'x198' floating concrete wave attenuators, 10'x132' and 10'x122' floating dinghy docks. R-120 Residential zone, Historic overlay.

Findings and Recommendation to the City Council regarding Zoning Ordinance Amendments:

Petition of One Stop Building Supply, Inc. to amend Section 17.65.020 Use Regulations, c. Maker (MK), Innovation Hub of the city's zoning ordinance.

Petition of Local Advisory Group, a project of the Newport Health Equity Zone, to amend Chapter 17.65 Innovation Hub and 17.66 Innovation Hub Floating Overlay Zone of the city's zoning ordinance.

Amend Section 17.16.020 Use Regulations, Section 17.20.020 Use Regulations, Section 17.28.020 Use Regulations and Section 17.32.020 Use Regulations to remove (B)2. Guest houses from each Section. And to Delete Section 17.52.020(A)3. Guest houses and to add (B)15.

Guest houses to Section 17.52.020 Use Regulations of the Codified Ordinances of the City of Newport.

Plans, Action Items, Working Groups & Committees

Members of the Planning Board participated in the following plans, action items, working groups and committees:

- Transportation Master Plan / Working Group
- Tree and Open Space Commission
- Waterfront Commission
- Energy and Environment Commission
- Hazard Mitigation Plan
- Planning Board Sample Meeting Procedures
- Comprehensive Plan 5-year Review Working Group
- Short-Term Rentals Investigatory Group
- Marijuana Working Group
- Covid-19 Pandemic Response
- Resiliency

North End Urban Plan

In February of 2021, the North End Urban plan was incorporated into the City's Comprehensive Plan. The North End Urban Plan (NEUP) builds on the work and vision of the City's Comprehensive Plan to address focus areas of opportunity, equity, resilience, connectivity and quality, and provided for the 2022 adoption of a zoning amendment to enable implementation of the plan.

In March of 2022, the Rhode Island Chapter of the American Planning Association (APA) honored the City's North End Urban Plan with their "OUTSTANDING PLAN" award. Chair Brooks and former Chair Salerno were present to accept the award.

Transportation Master Plan

Keep Newport Moving, the City's transportation master plan launched in the summer of 2021. Last year, the City of Newport collected public comments about transportation conditions and issues from over 200 people and received over 500 responses through an interactive mapping activity. A report on the existing conditions was released in early 2022. It outlined the history of Newport transportation and the transportation conditions in Newport today. From this background, the project team developed draft walking, biking, public transit, driving, and parking policy recommendations and asked the public for feedback. This spring, the City collected nearly 200 surveys on the proposed parking policies and over 300 responses for the interactive map of the projects. In November of 2022, the first draft of the Plan recommendations was released for public comment. The Plan is current being revised in response to public comments and the final plan is expected at the end of December 2022.

Trainings

All members of the Planning Board completed training concerning the effects of development in a flood plain and/or effects of sea level rise as required by the R.I. General Law §45-22-7(j).

Presentation on Short Term Rentals prepared by Guy Weston, Zoning Officer, on current data and regulations.

Presentation on demolition waste recycling process and rate in Rhode Island by Tuuli Martin, City Planner, in relation to the principal structure(s) demolition applications and the Newport Comprehensive Land Use Plan Goal CFS-2 – *To meet or exceed the State’s mandated solid waste recycling rate of 35%.*

Planning Board Chair Jeffrey Brooks and City staff participated in a meeting on Community Benefits Agreements held with John Goldstein, founder of Coalitions, Campaigns, Community Benefits, the Newport Health Equity Zone, and members of the Newport City Council.

Staff

The Board received regular updates on the Technical Review Committee reviews through the Planning Director Patricia Reynolds.

City Planner Tuuli Martin joined the City of Newport in June. Ms. Martin attended the Southern New England American Planning Association conference in Providence, RI, on October 6- 7.

Director Reynolds and Ms. Martin worked with the Rhode Island Infrastructure Bank and municipal planners from Town of Middletown and Town of Portsmouth on regional resiliency.

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