

Minutes of the **Newport Zoning Board of Review**

A regular meeting of the Zoning Board of Review was held on Monday, May 18, 2026, in the City Hall Council Chambers, 43 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
Russell Johnson, Secretary
Bart Grimes
Nicole Shevory
Melissa Pattavina (Alternate)
Richard Berlinsky (Alternate)

STAFF PRESENT:
Nicholas Armour, Zoning Officer
Kevin Gavin, Assistant City Solicitor
Zachary Cabrera, Assistant Planner

The following meeting minutes were considered by the Board:

- Revised meeting minutes from the March 23, 2026 regular Zoning Board of Review meeting were considered and approved.
- Meeting minutes from the April 13, 2026 Special Meeting of the Zoning Board of Review were considered and approved.
- Meeting minutes from the April 20, 2026 regular Zoning Board of Review meeting were considered and approved.

D E C I S I O N S

App. #ZBR-26-2 PETITION OF JOHN GULLISON, applicant, BONNIE ZIMBLE, owner, **22 Newport Avenue**, TAP 14, Lot 005 (R-10 Zone), for a dimensional variance to allow for four (4) stacked “tandem” parking spaces on a multi-family property.

Attorney Jay Lynch was present to represent the petition and there was no opposition to the petition. Mr. Riley asked the applicant a question regarding proposed ADU parking, and Mr. Lynch answered that the ADU parking would be provided on-site and requires no additional zoning relief.

Mr. Riley made a motion to adopt as the Board’s findings of fact the information in the staff report, application, and other documents and adopt as the Board’s conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The motion was approved unanimously. Mr. Lynch to write the draft decision.

App. #ZBR-26-29 PETITION OF SAMUEL HAMILTON III, applicant, TOP NOTCH, LLC, owner, **58 Beacon Hill Road, Unit A**, TAP 43, Lot 060(R-160 Zone, Historic Overlay), for

dimensional variances to expand a second-floor deck from 395 square feet to 631 square feet (100 square feet allowed), increasing the lot coverage from 6.62% to 6.76% (6% allowed).

The applicant was present to represent the application and respond to questions under oath from the Board, and there was no opposition to the petition. Project architect David Lachi was also present to represent the application and respond to questions under oath from the Board. Mr. Lachi explained the project and Mr. Grimes asked about the HDC process; Mr. Lachi then explained the HDC portion of the project history.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-19 PETITION OF RALPH AND LAURA WITT, applicants and owners, **7 Cottage Street**, TAP 25, Lot 093, (R-10 Zone, Historic Overlay) for a dimensional variance to construct a pool equipment pad and related pool equipment 2.1' from the south side property line (4.09' required).

The applicants were present to represent the application and respond to questions under oath from the Board – there was no opposition to the petition. Mr. Riley and Mr. Rudd asked the petitioner why he did not include this project as part of the previously approved petition for the subject property. The applicants answered that it was an oversight on their part. Mr. Riley asked a question regarding the noise from the proposed pool equipment, and the petitioner responded that there would be minimal noise.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The motion was approved unanimously. Staff to write the draft decision.

Amended App. #ZBR-26-22 PETITION OF BRUCE & JANINE BROUSSARD, applicants and owners, **719 Bellevue Avenue**, TAP 38, Lot 020 (R-60 Zone, Historic Overlay), for dimensional variances to enclose an existing three-level deck structure and construct an attached first-floor deck, located 27.16' from the west side property line (40' required, increasing the lot coverage from 17.72% to 18% (10% allowed), and modification of the roof structure over this portion of the building, increasing the overall building height of the addition to 37'-0 1/4".

Attorney J. Russell Jackson was present to represent the application and there was no opposition. Project manager Bill Murphy or Kirby Perkins Construction was also present to represent the application and respond to questions under oath from the Board. Mr. Jackson explained the petition and Mr. Riley asked about the change of architect, and whether there were any dimensional changes

to the project after the change of architects. Mr. Jackson responded that there were no dimensional changes to the project following the change in project architect. Mr. Grimes asked a question regarding the condo association, followed by Mr. Johnson, who asked a question regarding the proposed deck enclosure.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The motion was approved unanimously. Mr. Jackson to write the draft decision.

App. # 2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a detached carriage house 16' from the front property line (100' required). (Remanded from Rhode Island Superior Court).

Attorney Josh Parks was present to represent the petitioners and respond to questions under oath from the Board. Attorney Jay Lynch was also present to represent objectors to the petition and respond under oath to questions from the Board. Mr. Rudd stated that he wanted to open testimony solely to discuss the remand decision.

Following Mr. Rudd's stated desire to re-open testimony, Mr. Parks indicated he wanted to introduce Real Estate expert Jim Houle to testify before the Board. Mr. Grimes stated that he did not think the Board should invite Mr. Houle to testify – all other Board members agreed with Mr. Grimes' sentiment. The Board stated that both attorneys would have five minutes to present testimony regarding the remand decision.

Mr. Parks addressed the kitchen conversion, the location of the garage and the HDC decision. Mr. Parks also clarified that this was the least relief necessary. Following Mr. Parks' statements, Mr. Lynch stated that the HDC never engaged in a formal vote against other proposed garage locations. Mr. Lynch also opined on the fact that, in his opinion, the Board had moved on from least relief necessary when the code changed.

Prior to making a motion to approve the petition, Mr. Riley suggested the Board make three separate motions – one for each specific question mentioned in the remand decision. The Board agreed with Mr. Riley's suggestion.

Mr. Riley made the first motion (regarding whether the HDC considered other locations for the approved garage) to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and Chapter 17.109 Special Use Permits, Specifically, Category 6 Special Use Permits, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior

to the recording of the decision, seconded by Ms. Shevory. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously.

Mr. Riley then made a second motion (regarding whether the petitioners created their own hardship) to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and Chapter 17.109 Special Use Permits, Specifically, Category 6 Special Use Permits, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously.

Mr. Riley then made the third motion (regarding whether the petition was the least relief necessary) to adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and Chapter 17.109 Special Use Permits, Specifically, Category 6 Special Use Permits, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously. Mr. Parks to write the draft decision for all three motions.

Corrected Amended App #2025-May-013 PETITION OF 594-596 THAMES STREET, LLC, Applicant & Owner, **594-596 Thames Street**, TAP 35, Lot 213, (Limited Business Zone) for dimensional variances to construct a two-story rear addition, expanding an existing standard restaurant and creating a new one-bedroom dwelling, increasing the lot coverage from 46% to 60.3% (50% allowed); without providing additional on-site parking (6 additional spaces required); and seeking a variance from the commercial parking standards regarding aisle width and backing into a public right of way.

Attorney J. Russell Jackson was present to represent the application and respond under oath to questions from the Board. The petitioner was also present to represent the application and respond under oath to questions from the Board. There were several members of the public present, including both those in support and opposition to the petition. Prior to Mr. Jackson explaining the petition, Mr. Johnson recused himself from adjudicating the petition. Ms. Pattavina took Mr. Johnson's place adjudicating the petition.

Mr. Jackson explained the petition and recapped the last meeting where this application appeared (November 2025). Ms. Shevory asked whether the Guest House citation was resolved, and both Mr. Jackson and the Zoning Officer responded that it had been resolved and that there are currently no active code enforcement matters regarding the subject property.

Ms. Pattavina asked whether the entire second floor of the subject structure would be residential, and Mr. Jackson confirmed that the entire second floor would be residential.

Following Ms. Pattavina's question, project Architect Chris Fagan was invited to testify before the Board and respond under oath to questions. Following Mr. Fagan's testimony, real estate expert Jim Houle was invited to testify before the Board and respond under oath to questions. Mr. Rudd stated his desire for Mr. Houle to discuss the hardship associated with the subject property. Mr. Houle clarified that the hardship related to the size of the existing subject structure. Mr. Berlinksy asked a question regarding fire separation and gap between doors. Mr. Riley asked a question of lot coverage following Mr. Berlinksy's question.

Traffic expert Todd Brayton was invited to testify next and respond under oath to questions from the Board. Mr. Grimes asked whether the petitioners thought to acquire off-site parking. Ms. Pattavina asked a question of bicycle/scooter parking, and Mr. Jackson indicated the applicants were open to providing additional bicycle/scooter parking.

Members of the public were invited to testify next, beginning with Chuck Bolduc, who stated that the plans presented by the petitioner were very good, but he was concerned with the use. Next, Lynda Stevenson spoke, stating that the neighborhood needs protection and she was concerned with the possibility for short term rentals at the subject property.

Mr. Jackson indicated the petitioner was agreeable to three conditions; 1) bicycle and scooter parking be provided on-site; 2) no short-term rentals; and 3) no expansion of outdoor service area without prior approval of the Zoning Board and City Council.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and on the conditions that 1) bicycle and scooter parking be provided on-site; 2) no short-term rentals; and 3) no expansion of outdoor service area without prior approval of the Zoning Board and City Council, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously. Mr. Jackson to write the draft decision.

Following application #2025-May-013 (594-596 Thames Street), Mr. Riley made a motion to move application #ZBR-26-20 (7 Memorial Boulevard) ahead of application #ZBR-25-74 (5 Tyler Street), seconded by Ms. Shevory. The motion was approved unanimously.

App. #ZBR-26-20 PETITION OF TOOTI PATZI, LLC, applicant, DAVID G. BAZARSKY REVOCABLE TRUST AND CAROL R. BAZARSKY REVOCABLE TRUST, owner, 7 Memorial Boulevard, TAP 29, Lot 050, (GB Zone) for a special use permit to convert an existing standard restaurant to a fast-food restaurant that would also offer small, private, catered dinners on certain nights between 5pm and 11pm.

Attorney Matt Leys was present to represent the application and respond under oath to questions from the Board. The petitioner was also present to represent the application and respond under oath

to questions from the Board. There was no opposition to the petition. Mr. Leys explained the petition and presented Applicant's Exhibit A – photo of interior for dinners.

Mr. Leys indicated that the petitioners were open to conditions including operating hours strictly from five pm to 11 pm, no more than 35 patrons, three times a week during the summer for small, private, catered events, and no live entertainment on-site. Mr. Leys then introduced Applicant's Exhibit B – proposed conditions.

Mr. Grimes asked about parking requirements, and Mr. Leys answered that the petitioners need one space for every 275 sq. ft. of gross floor area (four total required spaces) and there are currently six dedicated parking spaces on-site. Mr. Berlinsky asked if there was a traffic study prepared, and Mr. Leys answered that there was no traffic study, but stated that there is plenty of parking available in the surrounding neighborhood.

Ms. Pattavina asked the petitioners why they indicated they would limit events to three days a week. Mr. Leys answered that the proposed three events per week was more of an idea for operational characteristics and statistics.

The petitioner was invited to testify before the Board following Ms. Pattavina's question and stated that they will be preparing pre-made Italian foods.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and on the conditions that 1) hours of small, private, catered dinners will be limited to the hours between five pm and 11 pm; 2) there will be no more than 35 patrons at any given dinner; and 3) there will be no live entertainment during private events, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.109 Special Use Permits, specifically, Category 3 Special Use Permits, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously. Mr. Leys to write the draft decision.

App. #ZBR-25-74 PETITION OF SAMUEL HALLOWELL, applicant and owner, **5 Tyler Street**, TAP 19, Lot 106, (R-10 Zone) for a retroactive dimensional variance to permit a parking space adjacent and parallel to the sidewalk with a dimension of 7.5' wide by 18' long (9' wide by 18' long required).

Petitioner Samuel Hallowell was present to represent the application and respond under oath to questions from the Board. There were no objectors present, however, there was one written letter of objection. Mr. Hallowell explained the project and gave a brief history of the subject property.

Following some discussion, the Board discussed whether to continue the application to the June 22, 2026 regular Zoning Board of Review meeting. The Board agreed and Mr. Riley made a motion to continue the application to the June 22, 2026 Regular Zoning Board of Review meeting, seconded by Ms. Shevory. The motion was approved unanimously.