

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, June 22, 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
Melissa Pattavina (Alternate)

ABSENT: Nicole Shevory
Richard Berlinksy (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:

- Meeting minutes from the May 18, 2026 regular Zoning Board of Review meeting were considered and approved.

The following requests were considered by the Board:

- 12-month extension request for the Zoning Application located at 57 Marchant Street was considered and approved.
- 12-month extension request for the Zoning Application located at 551 Thames Street was considered and approved.
- Request to withdraw the Zoning Application without prejudice for 2 Wheatland Court was considered and approved.

D E C I S I O N S

App #ZBR-26-28 PETITION OF SHELLEY BUCKHANTZ, applicant, CC7 LLC, owner, **7 Cozzens Court**, TAP 17, Lot 273 (R-10 Zone, Historic Overlay) for a dimensional variance to install a condenser 2'-6" from the rear property line (5' required).

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-33 PETITION OF JOHN W. COOK AND CAROL M MACKIN, owners and applicants, **42 Golden Hill Street**, TAP 28, Lot 107 (R-3 Zone, Historic Overlay), for a dimensional variance to replace two condensers 10' from the right-side property line (5' required).

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-40 PETITION OF MARK AND EVALINA TABER, applicants and owners, **452 Bellevue Avenue**, TAP 36, Lot 015 (R-60 Zone, Historic Overlay) for a dimensional variance to demolish an existing pool house and reconstruct a new, taller pool house in the same footprint, maintaining a lot coverage of 14.44% (10% allowed).

Attorney J. Russell Jackson was present to represent the petition and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Mr. Jackson to write the draft decision.

App. #ZBR-26-32 PETITION OF FINBARR MURRAY, applicant, MURRAY FAMILY TRUST, owner, **9-11 Broadway**, TAP 17, Lot 225 (GB Zone) for a variance to the requirement to underground utilities.

Attorney Tanner Jackson was present to represent the petition and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Mr. Jackson to write the draft decision.

App. #ZBR-26-34 PETITION OF KENDALL TUCKER HOLMES, applicant, 8 PECKHAM AVE LLC, 8 Peckham Ave, TAP 07, Lot 131 (R-10 Zone) for a variance to the requirement to underground utilities.

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-35 PETITION OF VINCENT CRUZ, JR., applicant and owner, **10 Red Cross Terrace**, TAP 29, Lot 194 (R-10 Zone) for dimensional variances to expand the existing one-car garage to a two-car garage, install a bulkhead door, expand the existing front porch, and elevate an existing rear addition that is located 12.5' from the rear property line (16.78' required), increasing the lot coverage from 25.85% to 27.83% (23.22% allowed).

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-36 PETITION OF MARK HERTENSTEIN, owner and applicant, **6 Maitland Court**, TAP 09, Lot 026, (R-10 Zone, Historic Overlay), for retroactive approval of dimensional variances for construction of a second driveway on a residential property with only 90 feet of frontage (100 feet required), and without the required 35 feet separating two driveways.

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-38 PETITION OF DANIELLE GENEST, applicant, ISLAND MOVING COMPANY, owner, **435 Broadway**, TAP 06, Lot 011 (R-10 Zone), for a temporary use permit to allow the installation of a temporary 4'x8' informational sign regarding the future use of the property

The petitioner was present to represent the application and there was no opposition to the petition. The petitioner explained the petitioner and Mr. Rudd asked if everything had been torn down on the property, to which the applicant responded yes. Mr. Grimes asked how long the construction had been going on for and why it was taking so long. The applicant responded that construction has been ongoing in some form since 2019 and the delay was largely due to COVID.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-41 PETITION OF JENNA & QUINCY MILLER, applicants, MILLER FAMILY LIVING TRUST, owners, **63 John Street**, TAP 28, Lot 067 (R-3 Zone, Historic Overlay) for a dimensional variance to install a hot tub 10' from the Memorial Blvd. front property line (20' required for accessory structures).

The petitioner was present to represent the application and there was no opposition to the petition.

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. Pattavina. The motion was approved unanimously. Staff to write the draft decision.

App. #ZBR-26-8 PETITION OF THE COLLECTION AT BARNEY, LLC, applicant and owner, **18 Barney Street and 3 & 4 Barney Court**, TAP 21, Lot 063-4 (R-3 Zone, Historic Overlay), for dimensional variances to install an AC condenser on the front building, located 13.5' from the Russo Court front property line (20' required), and reconstructing a previously-existing two-story deck on the rear structure, located 0' from the Russo Court front property line (5' required), increasing the lot coverage from 59% to 61% (45% allowed).

Attorney J. Russell Jackson was present to represent the petition and there were several objectors present. The petitioner and Land Use Expert Jim Houle were also present to testify in support of the petition. Attorney Peter Regan was present to represent two objectors to the petition.

Mr. Jackson explained the petition and asked the Zoning Officer for clarification regarding certain the proposed deck and abutting property setbacks. The Zoning Officer answered Mr. Jackson's questions and Mr. Jackson continued with his explanation of the project.

Following Mr. Jackson's comments, the petitioner – EJ Lanni – was invited to testify by the Board. Mr. Lanni further explained the petition and said that most neighbors have been wonderful to work with. Mr. Lanni went into detail regarding the condenser locations, after which Mr. Regan was invited to Cross Examine Mr. Lanni.

Following Mr. Regan's cross-examination of Mr. Lanni, Real Estate Expert Jim Houle was invited to testify before the Board. Mr. Houle was accepted as an expert in Real Estate by the Board. Following Mr. Houle's testimony, Mr. Regan began his cross-examination of Mr. Houle.

Following Mr. Regan's cross-examination of Mr. Houle, the Board invited members of the public to testify regarding the petition. Objector Deb Merrill was invited to testify. Following Ms. Merrill's testimony, objector Theo Greenblatt was invited by the Board to present his objections to the petition.

After Mr. Greenblatt's testimony, supporter Elizabeth Davenport was invited by the Board to present her support of the petition. Following Ms. Davenport's comments, Mr. Regan gave his closing comments, after which Mr. Jackson made his closing statements.

Following Mr. Jackson's closing statements, the Board discussed bifurcating the vote. Following discussion, Mr. Riley made a motion to bifurcate the vote – one motion to approve condensers and another motion to approve the proposed deck – seconded by Ms. Pattavina, the motion was approved unanimously.

Mr. Riley made the first motion (to approve the location of the condensers) 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, and on the condition that the proposed condensers are screened on all sides from the public right-of-way. The motion was seconded by Ms. Pattavina. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously. Mr. Jackson to write the draft decision.

Mr. Riley made the second motion (to approved the proposed deck) 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, and on the condition that the proposed deck only be accessible via one of the residential units. The motion was seconded by Ms. Pattavina. The Board discussed the motion and a roll call vote was taken, the motion was approved unanimously. Mr. Jackson to write the draft decision.

App. #ZBR-26-31 PETITION OF DAWN M. EGAN, applicant and owner, **153 Ruggles Avenue**, TAP 40, Lot 411 (R-10A Zone) for a dimensional variance to add additions to the house, including an expansion of the existing garage, rear living room addition, and expansion of the rear deck, increasing the lot coverage from 23.8% to 29.9% (20% allowed).

Attorney Joshua Parks was present to represent the application and there were no objectors present, although the Board clarified that they had received one sole correspondence in objection to the petition. Project architect Chris Arner and the petitioner – Dawn Egan – were also present to support the petition.

The petitioner and Mr. Parks explained the petition. Following the petitioner and Mr. Parks' explanation of the petition, there was some discussion amongst the Board, Staff, Mr. Parks, and Mr. Arner regarding the existing pool and some discrepancies in lot coverage from a previous zoning application. Following this discussion, several Board members stated that they were uncomfortable approving the petition as presented and recommended the applicant continue the project to the July 27, 2026 Zoning Board of Review meeting to allow for alterations to be made to the project to be more palatable to the Board.

Mr. Parks explained that his clients would be amenable to that. Subsequently, Mr. Riley made a motion to continue the application to the July 27, 2026 Zoning Board of Review meeting, seconded by Ms. Pattavina. The motion was approved unanimously.

App. #ZBR-26-39 PETITION OF EQUITY INVESTMENT GROUP, LLC, applicant and owner, **32 Bayside Avenue**, TAP 09, Lot 299 (R-10 Zone) for dimensional variances to construct a rear addition, expansion of a rear deck with a pergola structure over the north side of the deck, located 1' from the north side property line (5.76' required), and construction of a 393 square foot second floor roof deck (100 square feet allowed), increasing the lot coverage from 29.8% to 36.9% (28.48% allowed).

Prior to hearing the petition for 32 Bayside Avenue (ZBR-26-39), the Board informed the applicant that their petition would not be reached tonight and recommended continuing the application to the July 26, 2027 Zoning Board of Review meeting. The applicant's attorney – J. Russell Jackson – indicated he and his client would be amenable to that. Subsequently, Mr. Riley made a motion to continue the petition to the July 27, 2026 Zoning Board of Review meeting, seconded by Ms. Pattavina. The motion was unanimously approved.