

May 6, 2025

***Via Regular and Electronic Mail***

Coastal Resources Management Council  
Stedman Government Center, Suite 3  
4808 Tower Hill Road  
Wakefield, RI 02879  
[Cstaff1@crmc.ri.gov](mailto:Cstaff1@crmc.ri.gov)

***Re: CMRC File No. 2024-06-087, 88 Washington Street, Plat 12, Lot 46 ("Property")***

Dear Coastal Resources Management Council:

As you know, this firm is counsel for Newport PM LLC, Karen G. Harris 2003 Living Trust, R. Perry Harris 2003 Living Trust, Edward W. Kane, and Martha J. Wallace (collectively, "Neighbors") and write regarding the above-referenced CRMC File and Property. The Neighbors submit this letter in furtherance of their prior objections to applicant William J. Ruh Trust's ("Applicant") Application for State Assent ("Application") and in advance of the hearing of the Application, currently scheduled for May 13, 2025. *See* letters dated July 15, 2024, December 9, 2024, and January 3, 2025.

First, it is appropriate and necessary that Council consider this matter a "contested case" within the meaning of Sections 1.5.1(F) and 1.5.2 of the Coastal Resources Management Procedures. As detailed in the Staff Report, in order to be considered a contested case objections must meet at least one of the criteria enumerated in Section 1.1.6(G) of the Management Program. In this case, the objection must be deemed substantive because the applicable criteria have been met. As recognized in the Staff Report, direct evidence has been presented by objectors detailing the myriad ways in which the Application fails to meet all of the "policies, prerequisites and standards" as set forth in Section 1.1.6(G)(1)(b). The neighbors make specific reference to their January 3, 2025 letter to the Council describing the failure of Applicant to meet a single one of the standards applicable to this Application (contained in Section 1.1.7 of the CRMP). Staff recommends that the objection be deemed substantive. This matter should proceed under the hearing rules applicable to contested cases.

Because this matter must be treated as a contested case, it should be referred to a duly appointed Subcommittee for hearing prior to consideration by the full Council. *See* Section 1.5.2(A) (directing that when "an application or matter pending before this Council becomes a contested case as defined herein, the Council shall then schedule a public hearing before a duly authorized and appointed Subcommittee on the matter"). Accordingly, it is inappropriate that the Council take up this matter on May 13 for any purpose other than to refer it to a Subcommittee for consideration.

Additionally, the Staff Report raises a number of other points that merit further discussion. As detailed in the undersigned's letter of December 9, 2024, the Neighbors advised that they planned to appeal the City of Newport Zoning Board of Review's decision to affirm the Historic District Commission's erroneous grant of a certificate of approval to Applicant (reviewing plans that are different than those reviewed by the Council here). In the intervening months the decision was finally recorded, enabling the Neighbors to perfect their appeal. That appeal has been taken and is currently pending before the Rhode Island Superior Court, C.A. No. NC-2025-0042. A copy of the docket sheet evidencing same is attached as Exhibit 1. Notably, the appeal is in its very early stages, as the zoning record was only completed on April 30. The Neighbors renew their objection to the Council's consideration of the Application at this time, as it may become moot depending upon the resolution of the Neighbors' appeal. The building form submitted by Applicant and previously provided to the Council specifically notes that Applicant has additional hurdles to clear before all the necessary local approvals are obtained. The Neighbors submit that it is better, and more efficient, practice to wait to consider this Application until all local approvals are final. *See* Section 1.3.1(C)(2)(a) of the Management Program.

Applicant's dogged attempts to force a second home onto the Tripp House property (by Applicant's own admission, the design currently before the Council is the 7<sup>th</sup> Applicant has put forward) miss the fundamental point – it is inappropriate to place any additional structure on this historic parcel, located along Type 2 waters for which a variance of nearly 80% per the Staff Report would be required. As staff has noted, Applicant suffers no hardship (made readily apparent by the Property's \$16,000 per month advertised rental rate). The City itself does not approve of Applicant's variance requests – what the City's correspondence of April 25 advising that it opposed the relief sought does not make clear is that Applicant's request failed by a resounding five to one vote, correcting the error committed by the HDC. A video of the Council's deliberations can be viewed at the link below beginning at time stamp 1:13:37: [https://cityofnewport.granicus.com/player/clip/882?view\\_id=1&meta\\_id=65146&redirect=true](https://cityofnewport.granicus.com/player/clip/882?view_id=1&meta_id=65146&redirect=true).

Applicant has not, as recognized by staff, satisfied the conditions set forth in Section 1.1.7(A) of the Management Program to receive the requested variance. Applicant's mere "design preferences" (*see* Applicant's February 11, 2025 design narrative at 7) do not suffice to countermand the Council's goal to "maintain and, where possible, restore the high scenic value" of the waters where the Property sits. *See* Management Program at Section 1.2.1(C)(2)(a).

For the foregoing reasons, and for the reasons set forth in the undersigned's previous correspondence, together with the Staff Report, City Council opposition, and numerous objections from neighbors, the Application should be denied.

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Sincerely,

A handwritten signature in black ink, appearing to be 'JP' or 'JSP' with a stylized flourish.

Joshua S. Parks  
[jparks@apslaw.com](mailto:jparks@apslaw.com)

Encl.

cc: Laura Miguel ([lmiguel@crmc.ri.gov](mailto:lmiguel@crmc.ri.gov))  
Amy Silva ([asilva@crmc.ri.gov](mailto:asilva@crmc.ri.gov))  
Anthony Sawaia ([asawaia@crmc.ri.gov](mailto:asawaia@crmc.ri.gov))  
Joseph DeAngelis, Esq. ([jdeangelis@apslaw.com](mailto:jdeangelis@apslaw.com))  
Jeremiah C. Lynch, III ([jlynch@mvlaw.com](mailto:jlynch@mvlaw.com))

# **EXHIBIT 1**

Newport County Superior Court

Case Summary

Case No. NC-2025-0042

Newport PM LLC et al. v. Wick Rudd , in his capacity as a §  
member of the Newport Zoning Board of Review et al. §

Location: **Newport County Superior Court**  
Filed on: **02/04/2025**

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Case Information

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Case Type: Agency Appeal  
Case Status: **02/04/2025**  
**Unassigned**

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Party Information

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**Plaintiff** Kane, Edward W.

Karen G. Harris 2003 Living Trust

Newport PM LLC

**PARKS, JOSHUA STEVEN**  
*Retained*

R. Perry Harris 2003 Living Trust

Wallace, Martha J.

**Defendant** Bart Grimes in his capacity as a member of Newport Zoning Board of Rreview

David Riley in his capacity as a member of Newport Zoning Board of Review

Nicole Shevory , in her capacity as a member of Newport Zoning Board of Review

Ruh, Lisa

**LYNCH III, JEREMIAH C**  
*Retained*

Ruh, William

**LYNCH III, JEREMIAH C**  
*Retained*

Russell Johnson in his capacity as a member of Newport Zoning Board of Review

Wick Rudd , in his capacity as a member of the Newport Zoning Board of Review


**GALVIN, GIRARD**  
*Retained*

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Case Events

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02/04/2025  Complaint Filed

02/05/2025  Summons

Party: Defendant Bart Grimes in his capacity as a member of Newport Zoning Board of Rreview;  
Defendant David Riley in his capacity as a member of Newport Zoning Board of Review;  
Defendant Nicole Shevory , in her capacity as a member of Newport Zoning Board of Review;  
Defendant Ruh, Lisa;  
Defendant Ruh, William;  
Defendant Russell Johnson in his capacity as a member of Newport Zoning Board of Review;  
Defendant Wick Rudd , in his capacity as a member of the Newport Zoning Board of Review

Newport County Superior Court

Case Summary

Case No. NC-2025-0042

02/12/2025	 Entry of Appearance
02/12/2025	 Waiver of Service of Summons Filed
03/18/2025	 Answer Filed
03/20/2025	 Waiver of Service of Summons Filed
04/28/2025	 Answer Filed
04/29/2025	 Certificate of Zoning Board Records
04/29/2025	 Certificate of Zoning Board Records
04/29/2025	 Certificate of Zoning Board Records
04/29/2025	 Certificate of Zoning Board Records
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04/29/2025	 Certificate of Zoning Board Records
04/29/2025	 Certificate of Zoning Board Records
04/30/2025	 Certificate of Zoning Board Records

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Financial Information

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**Plaintiff** Newport PM LLC

Total Financial Assessment

180.75

Total Payments and Credits

180.75

**Balance Due as of 05/06/2025**

**0.00**

02/04/2025 Transaction Assessment

180.75

02/04/2025 Electronic Payment

Receipt # SCN-2025-000068

(180.75)