

December 9, 2024

Via Regular and Electronic Mail

Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879
Cstaffl@crmc.ri.gov

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

Dear Coastal Resources Management Council:

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 object to applicant William J. Ruh Trust's ("Applicant") Application for State Assent ("Application"). Enclosed please find my entry of appearance in this matter. As requested in my correspondence of July 15, 2024, please ensure that I receive notice of filings and hearings in this matter. As previously advised, the Neighbors intend to submit substantive briefing and argument should the Application proceed through the CRMC permitting process.

The Neighbors have learned that CRMC is considering placing this matter for hearing in early 2025. The Neighbors object to scheduling this matter for hearing as it is not yet ripe. It has long been CRMC's practice to require that a project receive all required local approvals before it will be considered by CRMC. This project has *not* received all the required approvals.

First, whether the project as proposed will ever be buildable has not yet been determined. The Neighbors have appealed Applicant's local Historic District Commission approval to the Zoning Board of Review, which written decision has not yet issued. Once the Zoning Board decision is issued it will be appealed to the Superior Court. The subsequent Court decision will determine whether or not Applicant may proceed with its project.

Second, separate and apart from the pending appeal of the Historic District Commission decision, Applicant has *not* received the required local building and zoning approval from the City of Newport. It is of significant concern that this project has repeatedly involved the submission of inaccurate building/zoning approval forms, yet CRMC is apparently continuing to move forward



with this Application in contravention of its ordinary practice. I refer to my prior correspondence of July 15, 2024, enclosing correspondence from the City of Newport's Zoning Officer acknowledging prior error in submitting the form (copy attached for your ready reference). Subsequent to submittal of that erroneous form, Applicant submitted yet another form. A copy of this form, stamped received by CRMC on October 16, 2024, is attached. On that form, both the Building Official and the Zoning Official identify problems with the Application. The Building Official states that the plans are *not* compliant with the State Building Code and that "further review [is] required." The Zoning Official acknowledges that the appeal of the Historic District Commission approval is "anticipated." In point of fact, the Zoning decision *will* be appealed, whenever it is ultimately issued. The appellate clock has not yet begun to run as no decision has yet entered as of the date of this correspondence. The Applicant should not be permitted to use the extraordinary delay in entry of the Zoning decision as argument that no appeal is pending.

The Neighbors are concerned that CRMC appears to be deviating from its ordinary practice with early consideration of this Application, before it has met CRMC's requirements. The Neighbors object to this Application being set for hearing until (1) their appeals are exhausted (which may obviate the need for consideration of this Application by CRMC in any event) and (2) Applicant satisfies the local building and zoning requirements and can submit an accurate local building and zoning form that does not contain qualifiers on items for ultimate approval.

I look forward to further submissions should this matter ultimately progress. Please do not hesitate to contact me if you have any questions.

Sincerely,



Joshua S. Parks
jparks@apslaw.com

Encl.

cc: Jay Lynch, Esq. (jlynch@mvlaw.com)
Laura Miguel (lmiguel@crmc.ri.gov)
Joseph DeAngelis, Esq. (jdeangelis@apslaw.com)





State of Rhode Island and Providence Plantations
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

(401) 783-3370
Fax (401) 783-2069

ENTRY OF APPEARANCE

Before the Rhode Island Coastal Resources Management Council

IN THE MATTER OF:

FILE NO. 2024-06-087

William J. Ruh Trust

(Name of Applicant)

I, Joshua S. Parks, hereby enter my appearance as attorney of record on

behalf of Newport PM LLC, Karen G. Harris 2003 Living Trust, R. Perry Harris 2003 Living Trust, Edward W. Kane, and Martha J. Wallace.

Withdrawal of appearance may only be granted by leave of the Chairman or Executive Director.

/s/ Joshua S. Parks

(Signature)

Adler Pollock & Sheehan P.C.

(Business Address)

49 Bellevue Avenue

Newport, RI 02840

Date: December 9, 2024

(401) 274-7200

(Phone Number)

RECEIVED

12/9/2024

**COASTAL RESOURCES
MANAGEMENT COUNCIL**

July 15, 2024

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

***Re: CMRC File Nos. 2024-02-012 and 2024-06-087, 88 Washington Street, Plat 12, Lot 46
("Property")***

Dear Coastal Resources Management Council:

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 Files and Property. The Neighbors object to applicant William J. Ruh Trust's ("Applicant") Application for State Assent ("Application"). Please enter my appearance so that I will receive notices of filings and hearings in this matter. The Neighbors intend to submit substantive briefing and argument should the Application proceed through the CRMC permitting process.

As a preliminary matter, Applicant has *not* received the required local building and zoning approval from the City of Newport. I am aware that CRMC is in receipt of the local approval form dated March 13, 2024. However, that form was submitted in error. The Neighbors have appealed Applicant's local Historic District Commission approval to the Zoning Board of Review, which appeal is pending, and anticipate that the appeal will ultimately require resolution from the courts. The City of Newport's Zoning Officer has acknowledged that the form was submitted in error. Correspondence from the Zoning Officer reflecting same is enclosed with this letter.

I look forward to further submissions should this matter ultimately progress. Please do not hesitate to contact me if you have any questions.



ADLER POLLOCK & SHEEHAN P.C.

Coastal Resources Management Council
July 15, 2024
Page 2

Sincerely,



Joshua S. Parks
jparks@apslaw.com

Encl.

cc: Jay Lynch, Esq. (jlynch@mvlaw.com)
Lisa Turner (lturner@crmc.ri.gov)
Elizabeth Noonan, Esq. (enoonan@apslaw.com)
Joseph DeAngelis, Esq. (jdeangelis@apslaw.com)



Parks, Joshua

From: Armour, Nicholas <narmour@CityofNewport.com>
Sent: Friday, July 12, 2024 3:19 PM
To: Parks, Joshua; 'Jay Lynch'
Subject: RE: 88 Washington

Thank you both for working towards a mutual agreement on this one. Not a problem having this short delay. We will look out for the briefs and figure out the appropriate date for the appeal hearing.

On the note of 88 Washington, it was brought to my attention that I signed off on the CRMC application for this project in error. I think I was going to fast and forgot that, while the zoning components of the project were compliant, due to the pending HDC application, I should not have signed off on this application. Jay – I am hoping you can relay this to the owners. It was my mistake and I don't want this to further complicate things while we process the HDC appeal.

Thanks,
Nick



Nicholas Armour, MPA, MUP
Zoning Officer
City of Newport
Planning and Development Department
(401) 845-5452

From: Parks, Joshua <JParks@apslaw.com>
Sent: Friday, July 12, 2024 2:26 PM
To: Armour, Nicholas <narmour@CityofNewport.com>
Cc: 'Jay Lynch' <jlynch@mvlaw.com>
Subject: FW: 88 Washington

Nick – I've got Jay's consent for a two-week extension on the briefs for 88 Washington.
Have a good weekend,
Josh

Our Providence Office is Moving!

We are excited to announce that effective August 1st, our Providence, RI office will be located at 100 Westminster Street, 16th Floor, Providence, RI 02903
Phone numbers and email addresses will remain the same.

JOSHUA S. PARKS
V-CARD | BIO | WEBSITE | JParks@apslaw.com



TO: Coastal Resources Management Council
4808 Tower Hill Road Suite 3
Wakefield, RI 02879
Phone: (401) 783-3370



FROM: Building Official

DATE: October 15, 2014

SUBJ: Application of: William Ruh and Lisa Ruh

Location: 88 Washington Street, Newport, RI 02840

Address: 88 Washington Street Plat No. 12 Lot No. 46

To Construct: New Single Family Dwelling

I hereby certify that I have reviewed _____ foundation plan(s).

_____ plan(s) for entire structure

_____ site plans

Titled: _____

Date of Plan (last revision): 2/15/24 (site) & 3/13/24 (architectural)

N/A and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.


X and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC. *Please note Plans submitted do not appear to be in conformance with RISBC-2 R322 or Ace 24-14 further review required @ permitting 10/15/24*

N/A and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

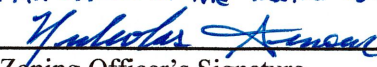
N/A and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

X and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. The Zoning Board approval shall expire on _____.

*Note: Breakaway walls do not conform to RISBC.

 10/15/24
Building Official's Signature Date

✓ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final. *Historic District Commission approved on 4/29/24. Appealed to Zoning Board. Zoning Board denied appeal on 9/16/24. An appeal of the matter is anticipated. However, no Zoning relief is required, so plans conform to all elements of the zoning ordinance*

 10/3/2024
Zoning Officer's Signature Date

