

MINUTES

October 4, 2005

Chairman William Guglietta called the monthly Planning Commission meeting to order at 7:10 p.m. in the City Council Chamber. The following members were in attendance:

Chairman William Guglietta
Vice Chairman Paul Petit
Stephen Devine
Marco Schiappa
Councilwoman Paula McFarland

Also in attendance were: Jared L. Rhodes II, Planning Director
Lynn Furney, Senior Planner
Vito Sciolto, Assistant City Solicitor
Joanne Resnick, Sr. Clerk

The following members of the public attended:

John DiBona, Esq.	Constance Daniels	Bill DelSanto
Kevin Villeneuve	Syl Pauley, Jr.	Ed Coupe
Jay Cardi	Robert Ragosta	Norma Gallucci
Richard Damiani	Robert Murray, Esq.	Stephen Beausejour

MINUTES

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to approve the minutes of the September 13, 2005 meeting.

ORDINANCE COMMITTEE ITEMS

None

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

**Cardi Shopping Plaza II-Master Plan
(Major Land Development Plan)
1458 Park Avenue, AP 11/2, Lots 224 & 2971**

Informational Hearing

Attorney John Mancini, for the applicant, Jay Cardi, gave a brief overview of the proposal to develop a commercial building, daycare center and residential apartment building. Lot 2971 and Lot 224 are zoned C-5. He explained that a Physical Alteration Permit is required and that the project will also require Site Plan Review. The residential portion will have a 20 ft. wide right-of-way through Lot 2971 from Park Avenue through to proposed Parcel A, which would be landlocked.

Mr. Rhodes then gave the staff's *Findings of Fact*, calling attention to the fact that the proposed residential lot is landlocked. He mentioned the Engineering Division's concern with the amount of impervious surface being created by this proposal and the likelihood that Engineering may require additional greenspace. He further stated that the Comprehensive Plan does support this type of development. Maps 2-4 call for the subject parcels to be re-zoned from C-5 to C-2. The proposal, however, would require a change of zone from C-5 to C-2 in order to accommodate the proposed residential use.

Mr. Mancini cited R.I. Gen. Law 45-23-60, asking to rectify the Findings of Fact presented at this conceptual stage; reiterating that what they have submitted is a subdivision plan. He stated that under R.I. Gen. Law 45-23-60 it is premature to make Findings of Fact; stating that the ultimate final decision is not pertinent at this point.

Chairman Guglietta made a point of informing the Commission that, at this time, these are Findings of Fact based on information provided by the applicants. Mr. Petit stated that the Commission will look at the Advisory and Conditional Approval recommendations.

Mr. Mancini stated his concern that this proposal runs the risk of the parcel being determined too small for a change of zone and may be considered 'spot zoning'. Mr. Rhodes reassured Mr. Mancini that this would not be the case with this proposal; given the clear support from the Comprehensive Plan. Mr. Mancini suggested that it would be in his client's best interest to come before the Planning Commission again once his client has received a zoning variance.

No members of the public came forward to speak on this matter. There being no further testimony, the Commission moved to a vote.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to accept the Planning Department staff's findings as their own and CONTINUE this application to the November 1, 2005 meeting.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

**Eden Crest Replat-Record Lots 71-80-Preliminary Plan
Minor Subdivision without street extension
265 Capuano Avenue
AP 10/1, Lots 189-198**

Attorney John DiBona began by stating that this proposal is pending Zoning Board of Review approval next month; which is dependent upon the Planning Commission's decision at this meeting. He stated that his clients, Mr. and Mrs. William DeSanto, would like to construct a small home for their elderly father on the newly created lot.

No members of the public came forward to speak on this matter.

Mr. Rhodes then presented the Planning Department staff's Findings of Fact and Recommendation, as documented in his memorandum. There being no further testimony, the Commission moved to a vote.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to DENY this subdivision application based on the adopted Findings of Fact detailed below:

Positive Findings

1. An orderly, thorough and expeditious technical review of this minor subdivision has been conducted. The abutters have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this informational hearing is not required since the proposal is along an existing improved city street.
2. With an average density of six units per acre the proposed subdivision is consistent with the City of Cranston's Comprehensive Plan Future Land Use Map which calls for residential development in the range of four to eight units per acre.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the final plan, with all required conditions for approval.
4. The property in question has adequate permanent physical access to Capuano Avenue, an improved public roadway located within the City of Cranston.
5. The staff finds that design and location of streets, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

6. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, and for preservation of natural, features that contribute to the attractiveness of the community. No significant cultural or historic features have been identified on site.

Negative Findings

7. The proposed subdivision *would not* be well integrated with the surrounding neighborhood, reflect its existing characteristics or promote high quality appropriate design and construction. The average residential density resulting from the proposed subdivision would fall 39.3% short of the existing density within the 100' subdivision notification radius and 26.9% short within the 400' zoning variance notification radius. The rear yard setback resulting from the proposed building footprint shown on proposed lot 1 also falls 72.1% short of the average rear yard depth provided by the existing residences within the 100' subdivision notification radius.
8. The long and narrow triangular configuration of proposed lot 1 with its resulting 13'x85' building envelope would not result in a suitable building site according to pertinent building setback standards, but would result in the creation of an individual lot with such physical constraints to development that building on proposed lot 1 would be impracticable.
9. The proposed subdivision *does not conform* to the area or setback requirements of the City of Cranston Zoning Ordinance. In particular, proposed lot 1 would fall 1,340 square feet (16.75%) short of its area requirement; and its proposed building footprint falls 5' (50%) and 11.8 (59%) short of the required side and rear yard setbacks respectively.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

**Cranston Highlands Replat-Record Lots 141-146-Preliminary Plan
Minor Subdivision without street extension
127 Vermont Street
AP 8/1, Lots 1935-1940**

Attorney Robert Ragosta, representing property owner Norma Gallucci, gave a brief explanation of the proposal to divide this 13,876 sq. ft. parcel into a 7,422 sq. ft. lot that would retain the existing single family dwelling and an additional 6,454 sq. ft. lot for future development in a B-1 Zoning District.

No members of the public came forward to speak on this matter.

Mr. Rhodes presented the Planning Department's staff Findings of Fact and Recommendation, as documented in his memorandum dated October 4, 2005. There being no further testimony, the Commission moved to a vote.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Commission unanimously voted to adopt the following Findings of Fact and to APPROVE this application subject to the conditions denoted below.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this minor subdivision without street extension has been conducted. The abutters have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this informational hearing is not required since the proposal is along an existing improved city street.
2. The proposed subdivision with its extrapolated density of 6 residential units per acre is consistent with the City of Cranston Comprehensive Plan Future Land Use Map which designates the property in question as residential allowing more than 8 units per acre.
3. The proposed division is in compliance with the general provisions of the City of Cranston Zoning Code including those for use, density, area and frontage requirements. The existing home does however have an insufficient front yard setback which will not be altered by this proposal.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the final plan, with all required conditions for approval.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed land development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Vermont Street, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off, for a suitable building site, and for preservation of natural, features that contribute to the attractiveness of the community. No significant cultural or historic features have been identified on site.
9. The staff finds that design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Location of proposed and existing sewer and water services must be shown on the final plans, as requested by the Public Works Director.
2. Payment of Cranston Capital Facilities Impact Fee of \$593.46 prior to recording.
3. Submittal of Municipal Lien Certificates verifying that payment of applicable property taxes are up-to-date.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

**Elmwood Gardens Replat-Final Plan
Minor Subdivision without street extension
105 Sharon Street
AP 4/2, Lots 2171 and 2173**

Attorney Robert Murray, representing property owners Antonio and Maria Paulo, addressed the Commission regarding last month's Planning Commission Conditional Approval item #5; requiring the Paulo's to remove the existing garage that straddles lots 2171 and 2173 prior to recording. He stated that after deliberating the conditions, Mr. and Mrs. Paulo are requesting that the garage be allowed to remain, with removal prior to the issuance of a building permit.

No members of the public came forward to speak on this matter.

Mr. Rhodes then presented the staff Findings of Fact and Recommendation, as documented in his memorandum, dated September 28, 2005. He reiterated that positive Findings of Fact for the application were adopted by the Planning Commission on September 13, 2005 and recommended APPROVAL of the Final Application with revision to Preliminary approval condition #5, as requested.

Upon motion made by Mr. Devine, seconded by Councilwoman McFarland, the Commission unanimously voted to accept the Planning Department's staff recommendation to amend the Preliminary approval decision of September 13, 2005, and remove Condition #5. Final Plan approval is hereby granted, subject to the following conditions:

1. Receipt of any and all necessary zoning variances prior to final subdivision submittal.
2. Payment of Cranston Capital Facilities Impact Fee of \$593.46 prior to recording.
3. Removal of the existing garage, which straddles AP 4/2, Lots 2171 and 2173 prior to issuance of building permits for subsequent construction on proposed Lot 2.

Aye Votes: Chairman Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

JOSE AND MIRIAM DAROSA 1033-1035 NARRAGANSETT BLVD CRANSTON RI 02905 (OWN/APP) have filed an application for permission to build a second story egress exterior staircase on an existing legal non-conforming mixed use building with restricted corner side yard and front yard setback on an undersized lot at **1033-1035 Narragansett Blvd.** Area 3310+/- SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of fact:

1. The plat and lot information is missing from the docket above. The Plat is 2/4, lot #3447.
2. The existing building has zero front yard setbacks from both Smith St. and Narragansett Blvd.
3. The building use is commercial on the first floor and residential on the second floor.
4. The proposed covered staircase is 3'-8" wide and is located along the wall that abuts the parking area.
5. The proposed staircase will block vehicle access to the overhead door on one of the garages.
6. The proposed staircase does not eliminate any of the three existing exterior parking spaces.
7. The existing interior staircase, built in 1930, is only 28" wide, and does not meet today's building code required width. Though the existing staircase is grandfathered, the narrow width interferes with furniture and appliance deliveries.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL of this application. Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

STEPHEN J BEAUSEJOUR 23 FOREST HILL DRIVE JOHNSTON RI 02919(OWN/APP) has filed an application for permission to utilize the third floor space for an additional living unit in an existing legal non-conforming two-family dwelling with restricted frontage, front and side yard setback on an undersized lot at **583 Pontiac Avenue.** AP 9/3, Lot 1068, area 6000+/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. 17.20.090 Specific Requirements.

Findings:

1. The average lot size for the 10 other 3-family dwellings within 400 ft. of the applicant's property is 6,726 sq. ft.
2. The area of the applicant's lot is 4,489 sq. ft., not 6,000 sq. ft., as noted in the docket. In a B-2 zone, 14,000 sq. ft. would be required for a 3 unit dwelling.

3. The average lot size for the 13 other 2-family dwellings within 400 ft. of the applicant's property is 4,918 sq. ft.
4. The applicant's lot area is currently 429 sq. ft. smaller than the average 2-family lot size within the 400 ft. radius.
5. Six, off-street parking spaces are required by ordinance. The site plan submitted shows 6, 9' x 18' spaces, which do not conform to the multi-family parking requirement as specified in Section 17.64.010 F.1. of the Zoning Code., which states spaces for multi-family uses shall be so arranged that vehicles leave and enter the street in a forward motion. None of the parking spaces meet that requirement.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Planning Commission unanimously voted to make *no specific recommendation* on this application. Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

CANDIA AND JUAN NUNEZ 23 CONCORD AVENUE 02910 (OWN/APP) has filed an application for permission to build a 12' x 25' two story addition and 8' x 15' deck to an existing legal non-conforming single family dwelling with restricted frontage and side yard setback on an undersized lot at **23 Concord Avenue**. AP 9/5, Lots 1421, area 4000+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of fact:

1. The lot number listed in the above docketed application is incorrect. The correct number is #1422.
2. The existing lot's frontage is 40 ft.
3. The proposed addition will be constructed at the rear of the house, continuing the existing 3.89 ft. restricted right yard setback for 12 ft. An existing 12' x 19' deck will be removed to accommodate the addition.
4. The addition's left yard setback of 10.27 ft. does not need zoning relief.
5. The existing lot coverage is 33%. The total proposed lot coverage will be 36%; 30% is allowed by ordinance. The coverage area includes the existing house, new addition, deck, and existing garage.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend APPROVAL of this application. Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

TERRANCE J KANE 32 BROOKS STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 44' X 19' two story addition to an existing two family home with restricted front and side yard set back on an undersized lot at **32 Brooks Street** . AP 11/3, Lots 483, area 7500+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of fact:

1. The lot is 500 sq. ft. short of the minimum two family lot size requirement in a B-1 zone.
2. The proposed addition on the right side of the side by side duplex, continues the existing building's 18.70 ft. restricted front yard setback for 19 feet.
3. The addition meets all other required yard setbacks.
4. The proposed new covered front porch on the existing building will have a front yard setback of 9.0 feet. The existing building's front yard setback is 18'. The existing front steps are 12 feet from the front property line.
5. The proposed addition will result in total lot coverage of 24%, which is less than the maximum allowable lot coverage of 35%.
6. Four parking spaces are required. The proposed addition will eliminate two existing parking spaces.
7. To accommodate this loss of parking, a new "parking pad" is proposed on the left front corner of the lot. The 7.19' x 16' pad, however, does not meet the required parking space dimensional requirements of 9' x 18'.
8. No curb cut exists at this location.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend APPROVAL of this application provided that the "parking pad" be removed and two additional parking spaces be provided along the right side of the new addition. Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

THEODORE RAMPINI 29 BLUEBERRY LANE CRANSTON RI 02920

(OWN/APP) has filed an application for permission to leave an existing legal non-conforming single-family dwelling with restricted frontage and side yard set back on an undersized 10,566+/- SF lot [168] and build a new 58' X 30' two story single family dwelling and attached two car garage with restricted frontage on the abutting 9340+/- SF undersized lot [168] at **29 Blue Berry Lane**. AP 21/1, Lots 168 and 169, area 19,906+/- SF, zoned A-12. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of fact:

1. The two lots in question were originally recorded in the Apple Hill Farm Plat #2, January, 1956. Due to their undersized nature, the two lots have since been considered to be combined for zoning purposes, under the requirements of Chapter 17.88.010B of the Zoning Code. The applicant is seeking relief from this requirement.
2. Subdivision is not required, since the original record lot lines still stand, as reflected by the assessor's map, and are not proposed to be altered in any fashion.
3. Assessor's lot 169 is 5 feet short of the 100 feet required frontage, and lot 168 is 27 feet short on frontage.

4. The existing house on lot #169 has a 7.1 foot right side yard setback from the existing side lot line.
5. The existing dwelling's front yard setback on lot #169 is one foot short of the required 25 foot setback.
6. The proposed dwelling on lot #168 meets all required yard setbacks.
7. Exactly one-half of the lots on the same block do not conform to the A-12 square footage regulations. All nine are undersized.
8. The photographs show 2 mature trees in the front yard of lot 168, that do not appear to interfere with the placement of the proposed single family.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL of this application as it is not out-of-character with the surrounding neighborhood. The Commission suggests that the two trees in the front yard of lot 168 be saved, if possible. Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

GOLDMAN PROPERTIES LLC 2 CIRCUIT DRIVE CRANSTON RI 02905 (OWN) AND THE RECIPE MARKET LLC 7 LAWRENCE ROAD NORTH PROVIDENCE RI 02911 (APP) have filed an application for permission to operate a retail food ingredients business from a portion of an existing wholesale food distribution warehouse at **2032 Plainfield Pike** . AP 36/1, Lots 7, area 13.44+/- acre, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.130 Schedule of Uses, 17.72.010 Signage.

Findings of fact:

1. The proposal is to use 1,119 sq. ft. of the 46,731 sq. ft. existing warehouse for retail purposes.
2. Fourteen parking spaces are provided for the proposed use. Four spaces are required.
3. The City's Comprehensive Plan calls for industrial uses on this portion of Plainfield Pike.
 - a. Page 26 of the Plan states, "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion".
 - b. Also on Page 26, "Commercial and community services should be provided for existing and future residents of western Cranston without supplanting industrial opportunities."
4. Within the past four years, the Planning Commission has recommended denial on four variance requests for commercial developments within this industrial area. Those applications were for: a liquor store (Plat 36, lot 16), bakery (Plat 35, lot 10), 7,000 sq. ft. commercial building (Plat 36/1, lot 6), and 18,000 sq. ft. commercial building (Plat 35, lot 16.).
5. A zoning variance was granted for an ice cream shop on the northwest corner of this same lot in June 2004. The Planning Commission had recommended

approval, as the vacant building was previously used as an ice cream stand when other dairy companies operated out of the primary buildings on the property. Greylawn Foods does store milk, cheese and other dairy products in the warehouse, and therefore the requested use was considered ancillary.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. The application is inconsistent with the City's Comprehensive Plan, which discourages commercial uses in this area of Plainfield Pike.
2. No apparent hardship, the owner is already making reasonable use of the property.

Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

JOSEPHINE ROBLES 1750 PLAINFIELD PIKE CRANSTON RI 02921

(OWN/APP) has filed an application for permission to convert a portion of an existing single family home into a two chair hair salon at **1750 Plainfield Pike**. AP 37/2, Lots 612, area 40,720+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.130 Schedule of Uses, 17.72.010 Signage.

Findings of fact:

1. The property is located 2 houses easterly of the Wal-Mart Plaza.
2. The 20' x 21' salon is proposed to be located in the attached garage.
3. The proposed uses would require a total of four off-street parking spaces. Two for the residential use and two for the commercial use.
4. The site plan submitted shows 4 angled spaces, which do not conform to the commercial parking requirement as specified in Section 17.64.010 F.1. of the Zoning Code., which states parking spaces for commercial uses shall be so arranged that vehicles leave and enter the street in a forward motion. None of the parking spaces depicted on the site plan submitted can meet that requirement.
5. The parking space closest to Plainfield Pike is actually partially located within the Plainfield Pike right-of-way. The second space scales to 6 feet wide, where 9 feet is the required width.
6. A Physical Alteration Permit from RIDOT may be needed for the curb cut and change of use.
7. The Comprehensive Plan Future Land Use Map only allows residential uses along this portion of Plainfield Pike.
8. In 1987, the Planning Commission recommended denial on a similar variance request for a commercial use in a residential zone at 1694 Plainfield Pike, only 500' to the east.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Planning Commission unanimously voted (Aye votes: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and

Councilwoman McFarland. There were no nay votes.) to recommend DENIAL of this application for the following reasons:

1. Insufficient off street parking area.
2. The application does not conform to the comprehensive plan.
3. No hardship, the applicant is already making reasonable use of the property.

MISCELLANEOUS ITEMS

Staffing Update

Mr. Rhodes gave an update on the status of filling the two vacancies in the Planning Department. He stated that advertisement and application for Senior Planner have been completed. He was pleased to inform the Commission that Lynn Furney scored the highest on the Senior Planner Civil Service Examination and has been appointed Senior Planner.

The position of Principal Planner will be offered to Jason Pezzullo; currently the Zoning Enforcement Officer in Coventry. Mr. Pezzullo has over five years experience, and completion of his Master's Degree requirements will be a condition of his standard probationary period.

Mr. Rhodes informed the Commission that we will need to advertise, test and interview for the Associate Planner position. This process has not yet begun.

Comprehensive Plan Update

Mr. Rhodes stated he is anticipating the Commission's comments on the draft Comprehensive Plan that was presented on September 6, 2005. The deadline for feedback is October 13.

Mr. Guglietta called attention to the 'islands in Cranston' that are caught up in the old Comprehensive Plan's land use provision. These are areas where current zoning does not match the present use of the properties. Mr. Guglietta also asked the Commission to consider possibilities for the old police station.

Mr. Rhodes called attention to the \$11,000 in outstanding invoices, for which the consultant, The Cecil Group, is seeking payment. He stated that he will review the RFP to determine what the final product should be. Mr. Devine asked if there is provision to amend the contract to provide additional funds. Mr. Rhodes responded that the Board of Contract and Purchase will allow a 15% increase in the contract.

September Zoning Board of Review Decision – 1641 Cranston Street, AP 8/1, Lots 366 and 1794

Mr. Guglietta called attention to the Commission's recommendation of denial on the above application. He stated that the Zoning Board of Review approved the application. He stated that case law in Rhode Island is that the Zoning Board of Review cannot ignore the Comprehensive Plan Land Use criteria when making their decisions. Mr. Guglietta stated that this reinforces the importance of closer scrutiny of the Land Use Element draft in the proposed Comprehensive Plan.

**Stamas/Baptista Preliminary Plat
Minor Subdivision without street extension
AP 74, Lots 2269, 2271, 2272, 2273, 2988 and 3864**

Mr. Guglietta informed the Commission that he received a notice from the Zoning Board of Review, sitting as the Platting Board of Review, stating that the Planning Commission was outside the scope of their authority in their recommendation regarding the Stamas/Baptista Preliminary Plat application.

The decision of the Zoning Board of Review, sitting as the Platting Board of Review is as follows: *'The inclusion of condition (a) "limitation to a single or two family dwelling structure" in the decision of the Planning Commission dated April 8, 2005, was a prejudicial procedural error and clear error. The inclusion of condition (a) in the decision of the Planning Commission dated April 8, 2005 is reversed.'*

DATE AND TIME OF NEXT MEETING

November 1, 2005 at 7 p.m.

ADJOURNMENT

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to adjourn at 9:42 p.m.

Respectfully submitted,

Jared L. Rhodes II
Secretary