

## MINUTES

**September 13, 2005**

Chairman William Guglietta called the Planning Commission meeting to order at 7:09 p.m. in the City Council Chamber. He began by dedicating this meeting to Kevin Flynn, who served the citizens of Cranston as Planning Director for 20 years. He praised Mr. Flynn's many accomplishments over the years, having served on many boards and Commissions, and his infinite knowledge of the city; he will be missed.

Mr. Flynn then spoke, stating that he is originally from Weymouth, MA and came to Rhode Island to attend graduate school. He acknowledged his love for the State and this City, having been a Cranston resident for 24 years. He praised the staff, mentioning the high quality of the presentations each month, and acknowledged that the City is in good hands with new Planning Director, Jared Rhodes.

The following Commission members were in attendance:

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

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

The following members of the public attended:

John Pagliarini, Esq.  
Antonio Paulo  
Susan Pacheco

Lucille Rocchio  
Fabio Serna  
Dennis Grieco, Esq.

Jamie Berman  
Martin Rosenberg  
William Lane

Stephen Beausejour  
 Lucille & Brian Knight  
 Edward Lyons  
 Robert Buonaccorsi

Roland & Claudette Levesque  
 Anthony Mastantuono  
 Robert Murray, Esq.

Aiyun Qi  
 Florence Novak  
 Michelle Truppa

### **MINUTES**

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to *approve* the minutes of the August 2, 2005, meeting.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the minutes of the Special Meeting of September 6, 2005.

### **ORDINANCE COMMITTEE ITEMS**

**Ordinance #8-05-1** – Zoning Ordinance – Amending Historic Overlay District to include the Evangeliste Turgeon House

Lynn Furney gave a brief explanation of the proposed ordinance, which seeks to add the Georgian Revival style house, located at 1363 Narragansett Boulevard, to the City's inventory of Local Historic Districts.

No members of the public requested to address the Commission on this matter.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to recommend that the Ordinance Committee *approve* the proposed ordinance.

### **SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Newbury Village Phase 1H – Preliminary Plan** *Informational Hearing*  
**(Major Land Development Plan with private street ext.)**  
**Scituate Avenue**  
**AP 36, Lot 10**

Attorney Dennis Grieco explained the proposal to construct 13 condominium structures, in the B-2 zoned area of the site on a portion of the land previously targeted for a recreational building. The proposal received Master Plan approval by the Planning Commission on December 16, 2004. A.J. Lane has posted a \$50,000 Performance Bond pertaining to work to be done to correct outstanding deficiencies in the sewer system located in Phases 1A-1G.

Mr. Glen Nichols, Newbury Village, Unit 301, expressed his concern with unpaved roads, sagging porches and sinkholes in residents driveways. He asked that Phase 1H be delayed until existing deficiencies are corrected in the previous phases. Mr. Roland Levesque, board member of the Newbury Village Condominium Association, stated there

is insufficient available parking. Currently residents are allowed to park at the Sales Office, however, that location is inconvenient for residents of Boylston and Cheshire Drives. He stated the Master Plan calls for a gravel visitor parking lot, however, residents would prefer this lot be asphalt paved, as this would be more durable, and stated the condominium association is contemplating installation of the parking lot at their own expense. He stated that poured cement curbing on Boylston and Cheshire Drive is cracking and deteriorating already and is concerned that this, too, will be an expense to the condominium association in the near future. The association would prefer pre-cast granite curbs, as was installed on Ashburton Drive. He questioned the Commission about prohibited overnight parking on Ashburton Drive, however, he was informed this condition is by order of the Fire Department.

In closing, Mr. Levesque stated residents of Cheshire and Boylston Drives have been living with dust and dirt for five years. He pointed out many residents have leaking windows, bulkheads and roofs. He mentioned that he brought these issues 'to light' for some help in resolving this matter.

Attorney Grieco responded by saying that the final street pavement topcoat has not been done because the developer, Lane Development Corp., has been working to correct serious sewer system connection problems 'inherited' from the previous owner of the development. He stated that recently Veolia Water has camera tested the sewer lines, and Mr. Lane is meeting with Veolia Water this week to determine what needs to be done to correct existing sewer deficiencies.

Chairman Guglietta summed up by saying that residents do not want a new phase of this development to begin before the previous phases have been completed. He asked if it is possible for the proposed visitor parking lot to be paved rather than the original proposal of gravel.

*Note: The proposed visitor parking lot is located on an existing sewer easement.*

Attorney Grieco responded that he will look into the matter of pavement vs. gravel for the proposed visitor parking lot. He asked for residents' patience as the developer works through correcting sewer deficiencies and stated that the outstanding deficiencies would be corrected by Spring, 2006.

Mr. William Lane, A.J. Lane Development Corporation, stated that in regards to the curbing, he tried to match what exists on Ashburton Drive.

Mr. Marco Schiappa, Public Works Director, stated that the City has bonding for previous phases of this development. Phase 1H building permits will not be released until sewer deficiency corrections are approved by the Public Works Department.

Upon motion made by Mr. Petit, seconded by Mr. Schiappa, the Commission unanimously voted to accept the Planning Department Staff's findings as documented in

Mr. Rhodes memorandum, dated September 9, 2005, which is a part of these minutes, as their own and APPROVE this Preliminary Plan subject to the following:

- 1) Written confirmation from Veolia Water, prior to final approval, that outstanding “punch list” items related to Phases 1A - 1G have been corrected to Veolia’s satisfaction. No further approvals are to be given on Phase 1H without Veolia’s concurrence that sewer issues in Phase 1A – through 1 G have been resolved.
- 2) Veolia Water approval of the final sewer design and construction plans for Phase 1H in accordance with the comments documented by Mr. William Wilbur dated July 29, 2005 in points 4a. through 4c.
- 3) Payment of the \$500 Sewer Review Fee due to Veolia Water from the applicant under Annex A (see point 5 of correspondence of William Wilbur dated July 29, 2005).
- 4) Payment to the City of Cranston for all outstanding Preliminary Plan application fees including 94 pieces of certified mail at \$4.42 per piece and a stenographer fee of \$300 for a total of \$715.45.
- 5) Revision of the final record plan to include a street index and notes relating to the zoning classification of all abutting lots and appropriate FEMA flood zone designations.
- 6) Approval of the Drainage Plan by the City Engineer prior to final land development plan approval.
- 7) Cranston Capital Facilities and Western Cranston Water District Impact fee Payments of \$1,389.50 and \$1352.00 respectively per unit, times 13 units for a total payment of \$35,639.50.
- 8) That all infrastructure onsite be owned and managed privately by the Homeowner’s Association, and that the City shall have no responsibility for any repairs and/or maintenance or liability for any claims associated with the private sewer system.
- 9) All infrastructure, including final roadway paving, for Section 1-A through H must be constructed and approved, or a performance bond provided, prior to the Department of Public Works signing off on building permits.

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

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

Attorney Robert Murray explained the proposal to divide this 12,000 sq. ft. parcel, with 120 ft. frontage, into two 6,000 sq. ft. lots, each with 60 ft. of frontage. He stated this application will also be heard by the Zoning Board of Review on September 14, 2005, as the existing house lot will have restricted front and side yard setbacks once the subdivision is accomplished.

Mr. Rhodes gave the Planning Department staff's recommendations, pointing out that installation of the sewer lateral is the responsibility of the homeowner. He noted that either the front stairs or the parking area of the existing home need to be relocated, and the proposed new dwelling's garage location and driveway/street opening should be mirror-flipped so that removal of the tree near the existing driveway can be avoided.

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

Upon motion made by Mr. Devine, seconded by Mr. Petit, the Commission unanimously voted to accept the Planning Department staff's findings, as documented in Mr. Rhodes memorandum, dated September 13, 2005, which is a part of these minutes, as their own and APPROVE this Preliminary Plan subject to the following:

1. Reconfiguration of proposed lot two's garage location and driveway/street opening so as to preserve the existing mature maple tree located in the Sharon Street right-of-way.
2. Receipt of any and all necessary zoning variances prior to final subdivision submittal.
3. Payment to the City of Cranston for all outstanding Preliminary Plan application fees including 15 pieces of certified mail at 37 cents per piece for a total of \$5.55 prior to final subdivision approval.
4. Payment of Cranston Capital Facilities Impact fee of \$593.46 prior to recording.
5. Removal of the existing Garage which straddles A.P. 4-2 Lots 2171 and 2173 prior to recording.
6. Payment of the \$500 sewer review fee due to Veolia Water from the applicant under Annex A of the City contract with Veolia Water.

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

## **ZONING BOARD OF REVIEW ITEMS**

**ANTONIO AND MARIA L PAULO 105 SHARON STREET CRANSTON RI 02910 (OWN) AND RUSSELL YATES 36 SAYLES AVENUE WARWICK RI 02889 (APP)** have filed an application for permission, pending minor administrative subdivision, to leave an existing single family dwelling on a proposed 6000+/- SF lot 2171 with restricted front and side yard setback and build a new 36' X 24' single family dwelling with an attached 20' X 24' garage on the proposed remaining 6000+/- SF lot 2173 at **105 Sharon Street**. AP 4/2, Lot 2171 and 2173, area 6000+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

### Findings:

1. The minor subdivision received Preliminary Plat approval on September 13, 2005.
2. The existing single family will have a left yard building setback of 6.2 ft. and existing front setback of 23.6 ft. (8 ft. and 25 ft. setbacks are required).
3. The proposed new home meets all required yard setbacks.
4. The proposed 18' x 18' parking area for the existing house interferes with the new stairs for the front door. There is no landing area for the bottom step when a vehicle is parked in the space. In order to leave room for the stairs, a vehicle would have to be partially parked in the sidewalk.
5. The Public Works Director noted that in the City's right-of-way there is a mature maple tree which would have to be removed to accommodate the new driveway for the proposed new house. Flipping the location of the garage and dwelling could avoid the tree.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Planning Commission unanimously voted to recommend APPROVAL with the following conditions (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.)

1. Relocate either the front stairs or the parking area of the existing house.
2. Reconfiguration of the proposed new dwelling's garage location and driveway/street opening so as to preserve the existing mature maple tree located in the Sharon Street right-of-way.

**CARL C AND FRANCES FERRUCCI 9 BEACON HILL DRIVE WARWICK RI 02886 (OWN) AND DDB PONTIAC LLC 76 DORRANCE STREET SUITE 212 PROVIDENCE RI 02903 AND RICKY GREIGRE 415 LINDSEY STREET ATTLEBORO MA 02703 (APP)** has filed an application for permission to operate a Dunkin Donuts coffee shop with drive-thru and a convenience store from an existing legal non-conforming gasoline service station at **480 Pontiac Avenue**. AP 5/1, lots 630, area 19,829+/- SF, zoned C-3. Applicant seeks relief from Section 30-28 Variance, 30-8

Schedule of Intensity, 30-18 (e), (2), (b), (c), (d), Additional Performance Standards and 30-18 (r) Signage (e) Driveway openings and 30-18 (p) Off-Street Parking.

Findings:

1. The applicant, through his attorney, requested a continuance of his zoning application, to the October 2005 meeting, since the application has not received a Certificate of Completeness from the Site Plan Review Committee.

Recommendation

Upon motion made by Mr. Petit, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend this application be CONTINUED, as requested by the applicant. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

**CP ASSOCIATES, LLC 149 COLONIAL ROAD MANCHESTER CT 06042 (OWN) AND H BYK PE AGENT FOR OWNER 149 COLONIAL ROAD MANCHESTER CT 06042 (APP)** have filed an application for permission to build a new police station facility with a total building height and curb-cut opening greater than that allowed by ordinance at **5 Garfield Avenue**. AP 7/2, lot 91, area 3.5+/- acres, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64 010 F, 2, Street Access.

Findings:

1. The lot number listed in the application is incorrect. The correct lot number is 3873.
2. The applicant received final Site Plan Review Approval on July 15, 2005.
3. The proposed curb cut will be 50 ft. (35 ft. maximum is allowed), with a 30 ft. wide driveway.
4. The curb cut for the Gibb's School on Garfield Ave. is 133 ft.
5. Sixty visitor parking spaces are provided. 171 fenced-in parking spaces are shown on the plan.
6. The building height will be 29 ft., with an additional 10 ft. for the HVAC unit, for a total height of approximately 39-40 ft. The maximum allowed height is 35 ft.
7. The building height for the Gibbs School, including roof top mechanicals, is 50 feet. (ZBR approval August 2002)

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend APPROVAL, as the proposed curb cut and building height are less of a variance request than what was approved for the Gibbs School on the abutting lot.

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

**NUDIA ORBE AND FABIO SERNA 136 CRESCENT AVENUE CRANSTON RI 02910 (OWN/APP)** have filed an application for permission to build a 350 SF two story addition on an existing legal non-conforming single family dwelling with restricted front and side yard set back on an undersized lot at **136 Crescent Avenue**. AP 7/5, lot 1796, area 4800+/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance and 30-17 Schedule of Intensity.

Findings:

1. The applicant received a Zoning Board Approval for the same request on February 12, 2004. The approval has expired. (The Planning Commission recommended approval on the previous application.)
2. The proposed rear addition will continue the existing 7 foot side yard setback for 20 feet.(8 ft. side yard required)
3. The existing front yard setback is 8 ft.
4. The proposed building rear yard setback is 22 feet (20 ft. required)

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend affirmation of the APPROVAL recommendation of 2004. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

**MARK CAPUANO 40 MEREDITH DRIVE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to convert an existing two-family dwelling into a professional office and build a second story rear addition with restricted front and corner side yard setback at **1641 Cranston Street**. AP 8/1, Lot 366 and 1794, area 8829+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.64.010 I Off-Street Parking.

Findings:

1. The application does not conform with the Comprehensive Plan Future Land Use Map, which designates this area of Cranston St. for residential use.
2. The applicant is already making reasonable use of the property with a 2-family dwelling in a residential zone.
3. There is no apparent hardship.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Planning Commission unanimously voted to recommend DENIAL. The application is inconsistent with the Comprehensive Plan Future Land Use Map. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

Note: Although the proposed use may be appropriate for the location, the proper vehicle to procure a commercial use of this property is to seek a Comprehensive Plan amendment and corresponding zone change through the City Council.

**RAYMOND COLELLA 11 IPSWICH STREET JOHNSTON RI 02919 (OWN) AND GREGORY SPREMULLI 38 PHENIX AVENUE CRANSTON RI 02920 (APP)** have filed an application for permission to build a new 34'x 48' single family home on an undersized lot at **Assessors Plat 8 Lots 2482 and 2483 on MATHEWSON STREET**. Area 5606+/- SF, zoned B- Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings:

1. The applicant's lots have been separately owned since 1951, and therefore are not considered merged with the abutting single family house lots. (Zoning Code Sec. 17.88.010 B)
2. The proposed 2 bedroom house will have the dwelling area over a 4-car garage.
3. The plans submitted show a full bathroom (with tub) located off the garage.
4. The proposed dwelling will have a front yard setback of 25 ft., 8 ft. side yard and 36 ft. rear yard. (All setbacks conform to the zoning code).
5. The lot is only 394 sq. ft. short of the required area for a single family home in this zone.

Upon motion made by Mr. Petit, seconded by Councilwoman McFarland, the Planning Commission unanimously voted to recommend APPROVAL of this application. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa 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 smaller than the average 2-family lot size within the 400 ft. radius.
5. The plans submitted do not depict parking accommodations of any kind, whereas 6 off-street parking spaces are required by ordinance.
6. The applicant's attorney agreed to a continuance so that they may have an opportunity to demonstrate that the required off street parking can be accommodated on site.

Upon motion made by Mr. Devine, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend this application be CONTINUED so that the applicant may have an opportunity to demonstrate that the required off street parking can be accommodated on site. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

**AIYUN QI AND LUNING SUN 40 OVERFIELD ROAD EAST GREENWICH RI 02818 (OWN/APP)** have filed an application for permission to convert an existing single family dwelling into a professional office with restricted side yard setback on an undersized lot at **7 River Farm Road**. AP 9/4, Lot 2261, area 4000+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

**Findings:**

1. According to the application, the first floor of the building contains 1,400 sq. ft. The first floor plan submitted shows approximately 700 sq. ft. of this area dedicated to actual office space. No plans were submitted for the second floor, which contains approximately 500 sq. ft. according to the application.
2. Seven parking spaces are needed if the entire building will be devoted to office space. There is a 21 ft. x 36 ft. paved area in front of the existing house that will be able to accommodate 3 parking spaces. Cars must back out onto Riverfarm Road when leaving this parking area. The city traffic engineer has approved the plan as "grandfathered" spaces.
3. Tax assessor records show the main building has been taxed as a commercial use since 1996. This conflicts with the application that states that the use is a single family house.
4. The existing side yard setbacks are 2 ½ ft.
5. Photographs show that the former garage at the rear of the lot has been renovated, with windows and a door that faces Reservoir Avenue. It is not known what this will be used for.

Upon motion made by Councilwoman McFarland, seconded by Mr. Schiappa, the Planning Commission recommends that the Zoning Board CONTINUE this application until additional floor plans with more information are submitted regarding the proposed

office use of both the second floor of the building, and the separate building located on the rear of the property. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

Note: Residents in this neighborhood have been plagued with overflow parking on their residential streets from the commercial uses on Reservoir Ave., and the staff does not want to exacerbate this problem with an over-intensive commercial use of this property.

**GARRETT & JAMIE L BERMAN 151 BRETTON WOODS DRIVE CRANSTON 02920 (OWN/APP)** have filed an application for permission to build a 16' x 38' one story addition to an existing single family home with restricted rear and corner side-yard setback at **151 Bretton Woods Drive**. AP 11/5, Lot 3347, Area 9333+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings:

1. The lot number written on the application (3347) is incorrect. The correct lot number should be #3346.
2. The proposed addition will have a 17.38 ft. setback from Russet Way and 10 ft. rear yard setback.
3. The existing house has an 18.10 ft. setback from Bretton Woods Drive.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL as the addition does not interfere with the sight distance from the corner. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

**PAUL AND LUCILLE ROCCHIO 25 WESTBROOK ROAD CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to build a 700+/- SF family accessory apartment addition with restricted corner side yard setback on an undersized lot at **25 West Brook Road**. AP 18/3, Lot 1342, area 7518+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use, 17.20.120 Schedule of Intensity, 17.24.010 Family Accessory Apartment.

Findings:

1. The calculated area from the floor plans submitted exceeds 800 sq. ft. for the accessory family apartment. A maximum of 600 sq. ft. is allowed by ordinance.
2. The total square footage of the existing primary dwelling is approximately 1,555 sq. ft. The entire addition increases the existing total living space by more than 50%.
3. Accessory family apartments are limited to 25% of the existing primary dwelling area.

4. The portion of the addition containing the proposed in-law apartment would comprise 29% of the total living space of the single family.
5. The proposed rear yard setback will be 20'-6" and side yard setback will be 10'-7".
6. The plans submitted show no interior access door from the main house to the proposed accessory apartment. The applicant indicated at the Planning Commission meeting that the proposed 10' x 10' dining room addition is for the main house, and there would be a doorway connection to the accessory apartment from that room.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Planning Commission unanimously voted to recommend APPROVAL, provided that a new doorway be added to the 10' x 10' dining room addition, so that there is interior access to the accessory family apartment. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.)

### **EXTENSION OF TIME**

#### **Replat of Oaklawn Highlands Part 1**

Mr. Rhodes gave a brief update of this project and Mr. Caprio's request for an extension of time. He explained Mr. Caprio has been making progress over the past year in moving toward approval. Mr. Caprio obtained ISDS approval in November, 2004, as well as a zoning variance. Recently he has been to the Planning Office with a route slip for garage demolition, which is required for the construction of a new home on the newly created lot.

Upon motion made by Mr. Devine, seconded by Mr. Schiappa, the Commission unanimously voted to APPROVE this request for a *One Year Extension of Time*. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.)

### **MISCELLANEOUS ITEMS**

#### **Administrative Officer Appointment**

Upon motion made by Mr. Guglietta, seconded by Mr. Schiappa, the Planning Commission unanimously voted to appoint Jared L. Rhodes, II as an Administrative Officer of the Planning Commission.

#### **Apple House and Fox Run Abandonment Discussion**

It is known that the road will not be extended in the Fox Run development due to existing wetlands. As there is access from all directions to this area, Mr. Flynn recommended that Fox Run Drive end in a cul-de-sac. The Planning Department staff also recommends the abandonment of the Apple House roadway.

### **Comprehensive Plan Review Schedule**

Mr. Rhodes stated that Mr. Ken Buckland, of the Cecil Group, would like Planning Commissioners comments on the new draft Comprehensive Plan by September 30, 2005, so that he can produce a final draft. Mr. Guglietta would like the staff and consultant to identify areas in the City where the current land use does not match zoning classification. Mr. Rhodes will use GIS overlays to identify these areas. Mr. Flynn suggested the Commissioners use their area of expertise in reviewing the plan but that everyone should focus on the *Lane Use* section.

The Planning Commission agreed that they will have their comments for Mr. Buckland one month from this meeting (October 13, 2005).

### **Ethics Commission Concerns**

Chairman Guglietta broached the subject of Ethics Commission concerns, particularly mentioning a Zoning Board of Review member voting on a neighbor's application. He stated he will pursue this matter to ensure that Planning Commission members are not voting on matters that could pose a conflict of interest.

Upon motion made by Councilwoman McFarland, seconded by Mr. Petit, the Commission unanimously voted to pursue the Ethics Commission recommendations. (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Devine and Councilwoman McFarland. There were no nay votes.

### **DATE AND TIME OF NEXT MEETING**

**Tuesday, October 4, 2005, at 7 p.m.**

### **ADJOURNMENT**

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to adjourn at 9:50 p.m.

Respectfully submitted,

Jared L. Rhodes, II  
Secretary

