

**City of Warwick Planning Board
Meeting Minutes
Wednesday, March 12, 2014**

Members Present: Vincent Gambardella, Vice Chairman
James Desmarais
Cynthia Gerlach
John Mulhearn
Laura Pisaturo
Sue Stenhouse

Members Absent: Philip Slocum, Chair
Steve Horowitz
Thomas Kiernan

Also in attendance: Patricia Reynolds, Economic Development Planner
Lidia Cruz-Abreu, Planning Specialist
Eric Hindinger, Engineer Project Manager
Peter Ruggiero, Solicitor

Mr. Gambardella, Vice Chair, acted as Chair for the meeting.

Mr. Gambardella called the meeting to order at 6:08pm. Mr. Mulhearn arrived at 6:24 and was present for the Public Informational Meeting.

The February 2014 meeting minutes were unavailable for review and approval and will be considered at the April 2014 meeting.

Public Informational Meeting

Major Land Development Project/Subdivision

Applicant: 3844 Post Road LLC, 1635 Division Road LLC, Richard Miga, Jr
Location: 4022, 4036 Post Road
Assessor's Plat: 235
Lots: 11, 12, 13, 271
Zoning District: Office
Land Area: 60,347sf
Number of Lots: 4
Proposed Lots: 1
Surveyor: Scituate Surveys, Inc.
Architect: Union Studios
Ward: 9

For the record, Mr. Horowitz and Mr. Slocum recused themselves from consideration of this Petition and were not present at the meeting. Mr. Slocum filed a Statement of Conflict of Interest pursuant to RIGL 36-14-6 stating the following interest in the matter: "I serve as volunteer Vice Chair for the Saint Elizabeth's Community which is another senior services/nursing home facility in New England. Mr. Horowitz also filed a Statement of Conflict of Interest.

Mr. Gambardella introduced the project. Attorney John C. Revens, Jr. of Revens, Revens, and St. Pierre, with offices at 946 Centerville Road, was present for the Applicant.

Planning Staff presented a letter received by the Department via email and courier on March 12, 2014 at 3:33 and 3:45pm, respectively. The letter was from Mr. Sean O'Leary, O'Leary Law Associates, 4060 Post Road, Warwick, Rhode Island, legal consul for the abutting property to the south of the proposal. (Seawatch Condominiums). The letter was distributed and reviewed by the Board Members.

Mr. Revens presented to the Board an affidavit and submitted this as part of the record. He stated that the Applicant had complied with all State and City regulations regarding notice requirements.

The following discussion took place regarding Mr. O'Leary's request for a continuance:

Mr. Revens stated that he is opposed to a continuance since the application was noticed properly, before the board, reviewed by appropriate City agencies, and meets all of the requirements of the ordinance that the Board has authority to rule on. He stated there is no reason not to go forward, that he is vigorously opposed to a continuance or leaving the meeting open for someone to come in to present additional evidence. Mr. Revens stated that Mr. O'Leary should have been present at the meeting or made other arrangements.

Ms. Stenhouse asked Mr. Revens if he had received any communications outside of this attorney from any other abutters, residents or constituents. Mr. Revens said that he had not, and that had nothing to do with this hearing. Ms. Stenhouse asked if all of the residents had made Mr. O'Leary their representative. Mr. Revens responded that was not his concern. Ms. Stenhouse again asked if anyone had contacted Mr. Revens other than the phone call by Mr. O'Leary. Mr. Revens stated that no one had contacted him and that if he had heard from anybody, he would have tried to work something out. Again Mr. Revens stated that this application is properly before the Board, meets of the requirements of the planning ordinance and the relief that the Applicant needs is not in the jurisdiction of the Planning Board. He stated this application is just a formality, Ms Stenhouse disagreed with this characterization based upon the information provided by the Planning Department and she thinks that there are legitimate concerns. After reading the packet and doing her homework, she does not agree that it is just a formality. Mr. Revens responded that the concerns raised by the Planning Department are not within the Board's jurisdiction and the Board has no control over architecture and no authority to reposition the building on the site since it meets setbacks. He stated that these are requests put forward by the Planning Department. He stated that if the only issue is the façade of the building, he is sure that something can be worked out. Ms. Stenhouse stated that she found this disrespectful, and that the project needs some type of assurances from the Board before it can move forward.

Ms. Pisaturo stated that the issue is this request for a continuance. She understands Mr. Revens

objection and asked if Mr. Revens agrees that the Board has the authority to hear the proposal for the Applicant, open the public hearing, listen to the members of the public that are present, and if the Board chooses to, continue the Public Hearing. Mr. Revens agreed that this was in the Board's ability. Ms. Pisaturo asked what would be any prejudice to the Applicant if the Board chooses to continue the Application. Mr. Revens responded that the Applicant would like to build the building this year. The approval process is a multi-month process and he would like approval by the middle of summer in order to be able to build without delays. It's a substantial investment and the Applicant would like to proceed expeditiously, and there is a substantial cost to a delay in the project. In addition, the Applicant has retained professionals to be present at tonight's meeting.

The specific prejudice to the Applicant is that it will cost a lot of money, delay the project and the Applicant will need to bring all the experts back if the meeting is continued.

Mr. Desmarais stated that the Board is concerned about the people who reached out to Mr. O'Leary, whether they should have gotten someone else is irrelevant. Mr. Revens responded that is their problem and Mr. O'Leary's problem.

Mr. Pisaturo asked Attorney Ruggiero if there will be additional public hearings for this project. Mr. Ruggiero responded, yes there will be two more, one before the zoning board for the special use permit and dimensional relief, and one before the Planning Board for Preliminary.

Ms. Pisaturo asked Mr. Ruggiero if the Master Plan is approved at this meeting, is it possible to make changes later in the process. Mr. Ruggiero responded that once the Master Plan is approved, it's vested legally. State approvals and design work is then done based on the approved Master Plan, and it will become more difficult to make modifications. In addition, if the Board doesn't vote on the Master Plan tonight, the project will not be able to proceed to the Zoning Board for the April meeting. There needs to be an approved, conditional Master Plan before the Applicant can proceed to zoning. This would add a two month delay.

Ms. Pisaturo asked Mr. Revens if there is any difference between continuing the meeting or starting and stopping in terms of cost to his client. Mr. Revens said it is his client's expense and it would depend on how people were being paid. Continuing the meeting would put his client at a disadvantage because the abutters would essentially get two bites at the apple. Ms. Pisaturo appreciated that the Applicant was present and noted there were other abutters present who might find a continuance to be an inconvenience. More discussion followed regarding the continuance.

Ms. Pisaturo stated that the Application may meet all the requirements, but the Board members are balancing the interests of abutters, which is always a concern of the Planning Board, not withstanding notice requirements, for the Board this is not necessarily a wooden application of the statute, as Mr. Revens is advocating. Mr. Revens stated that it has to be, and Ms. Pisaturo responded, not necessarily because it is within the Board's rights to continue the public hearing portion of the meeting. Mr. Mulhearn asked Mr. Ruggiero if he had any information about why Mr. O'Leary was unable to attend the meeting. Mr. Ruggiero responded stating that he had had no contact with Mr. O'Leary prior to the meeting.

Ms. Stenhouse made a motion for a continuance. The motion was seconded by Mr. Desmarais. Discussion followed. Ms. Pisaturo expressed concern, stating that she empathized with the

Applicant and that Mr. Revens made valid points regarding the attorney's responsibilities and duties. She would suggest that the Board hear from the Applicant, open the public hearing and then determine if necessary to continue the hearing and reconcile if members of the public have been sufficiently heard. Ms. Stenhouse stated that she made the motion based on the fact that residents were present without legal representation and in response to Mr. Revens stating that there was a concern over prejudiciously starting the hearing and continuing it to later and she feels it would be better to continue the meeting from the beginning, if it's going to be continued. Ms. Pisaturo would prefer to hear from members of the public and then make a determination of whether or not the meeting should be continued. Mr. Mulhearn stated that he agrees with Ms. Pisaturo except he does not want to hear the meeting and not vote. His opinion is that he would rather vote on it.

More discussion followed. Mr. Ruggiero stated that if the meeting is continued, it needs to be to a date certain. Discussion around a new meeting date, and if could the Applicant could make the April zoning board ensued. Mr. Revens stated that zoning board will not docket without Planning Board review.

Mr. Mulhearn again asked Mr. Ruggiero if the condo owners could be heard. Mr. Ruggiero stated that yes as individual owners, but not as representative of the association of the homeowners. Mr. Mulhearn stated his thoughts, which were that the Board Members are present, the Applicant is present, the Application was duly noticed and interested abutters are present and that the Board should hear the application.

Ms. Stenhouse withdrew the motion to continue.

Public Hearing

Mr. Mulhearn opened the public hearing. The motion was seconded by Ms. Pisaturo. All voted in favor, none opposed.

Mr. Revens began his presentation. He defined assisted living as a facility where people are in need of assistance in accomplishing the basic tasks of everyday life. He stated that Rhode Island has the largest percentage in the nation of people over 85 years of age. Assisted living facilities fit with the state's plan of moving toward home and community based care for this population. Assisted living provides an alternative to in home care, where residents benefit from a community setting and having professional help available. It is reported that the average stay is 22 months.

Mr. Revens then described the project location, parcel size and zoning. He also noted that the abutting Seawatch Condominium property is also located in an office zone. He described the project as an assisted living facility with 74 single bed units that will employ 50 people, and be staffed 24/7. The site slopes away from Post Road rather dramatically to the railroad tracks. The three buildings currently located on the site will be demolished to create space for the proposed new residential facility.

Brentwood Nursing Home is located immediately north of the site and a 2 story condo building is located immediately to the south, which is the condo complex that was discussed earlier. There is a combination of commercial, offices and large scale, multi-family dwellings located on

both sides of Post Road, in each direction. A large number of single family dwellings on large lots are located to the west of the site. The proposed facility is sited to capture water views. A landscape area is located between parking area and Post Road to create an aesthetically pleasing facility. The service drive is located along the north side of the building. There is exterior living space to the rear of the building facing Greenwich Bay. The proposed four story building appears as a three story building from Post Road. The architecture of the building references historic mill buildings and rail side construction many of which have been converted to housing and pays tribute to the City's history as a group of villages. The proposal is consistent with City's Comprehensive Plan and supportive zoning ordinance. Mr. Revens then outlined the 24 hour staffing schedule.

Mr. Revens discussed traffic generation for the use. According to ITE traffic manual, 7th edition, this use generates 2.7 trips per day. For 74 beds this is a total of 199 trips per day. This is substantially less than other allowable uses on the site, which Mr. Revens reviewed. This use generates fewer trips and these trips are generally not during morning or evening peak hours. In his opinion, the traffic generated will have absolutely no impact on the regular service on the road. Mr. Revens listed all of the allowable and specially permitted uses in an office zone.

Mr. Revens then introduced the project architect, Mr. Donald Powers of Union Studio, 130 Union Street, Providence, Rhode Island. Mr. Powers stated that he is a registered architect; and that he would like to address the thoughtfulness of the design and give a different perspective from the views presented in the Warwick Beacon article.

His firm has done work in design guidelines and municipal plans and well recognizes abutter rights and scale and nature of community and neighborhoods. Mr. Powers stated observations he made about the area: the west side of Post Road has a distinctly residential character, with buildings being set back and up on a slope. The scale on the East side is different, with buildings being of a much large scale. The proposed building is of similar scale and smaller than some existing buildings on the East side. The presentation included slides of the existing buildings on the East side of Post Road which the project architect summarized as large footprint, multifamily building with 2 to 3 stories with no consistent style. He stated that he has never worked on a site that has less architectural consistency. This led to his search for a building type and an appropriate aesthetic for the site. Part of the consideration in looking for a building site was not to block the view for the neighbors. View lines were drawn from the abutting unit on Seawatch and the architect concluded that the view from the end units would not be affected in any substantive way. The Architect stated there is a mature grove of trees that separates the two sites. The building meets the side setback of 15' to the property line. Mr. Revens stated at this point that the Applicant had done all that he could to pull the building back to not block the view of the abutters to the south. The project architect looked at different building masses that could accommodate the use of the building. He went through the floor layouts. The plans submitted showed a building height of 35'6, which he stated is a drafting error. The building to the parapet is 35' at the front elevation. He explained that this building is not a mill building but is a reference to historical architecture. He reviewed the different techniques used to make the scale of the building look smaller. The Architect concluded his presentation.

Mr. Gambardella called for questions from the Board members.

Ms. Gerlach asked why the center of the building is so tall and therefore exceeds the height limit. Mr. Powers responded that he doesn't remember exactly what the Warwick zoning ordinance

says, but some ordinances allow decorative elements to exceed the height limit. He said it didn't have to be that height but he is trying to make a residence that has some presence and gravity to it and that is a traditional way to mark the entrance and give the building presence along the street.

Ms. Pisaturo asked for clarification regarding the request for height relief. Mr. Revens stated that the zoning ordinance in Warwick is outdated and measures height in a manner different from most communities, it is from average grade and not at the front setback and that is what necessitates the request.

Mr. Revens asked Mr. Powers if this project conforms to all the provisions of the ordinance including parking, landscaping, setbacks and any other requirement. Mr. Powers responded, yes to the best of his knowledge with the exception of the calculus for height.

Mr. Revens asked Mr. Powers with regard to Planning Regulations, does the Master Plan Application for this project require a variance from the development standards. Mr. Powers replied, no.

Mr. Gambardella then opened the meeting to the public.

Mr. Charles McNamara, 4042 Post Road, #9. He began with a defense of Mr. O'Leary. Seawatch has limited funds and Mr. O'Leary graciously agreed to represent the Association. Mr. McNamara stated that it is not Mr. O'Leary's fault, but the Association's and would like to take responsibility for that because of their limited funds and they contacted him at the last minute. Mr. Mulhearn asked if they had told Mr. O'Leary not to attend. Mr. McNamara responded no, that he was unable to attend and he did not know the reason.

Mr. McNamara then asked if there was anyone present who would like to have the building, as presented, next to their property. He asked if there was anyone present who thinks it is suitable for the site. If this building were moved to the north and was more aesthetically appealing, he would not have an issue. Mr. McNamara stated concerns that the proposed development would devalue the properties around it. He asked where the Architect sees a mill building anywhere near the site. Mr. McNamara asked for consideration for the abutters. He asked why the neighbors weren't contacted before hand to discuss the proposal so some of the issues could have been worked out beforehand.

Mr. Robert Watt, 3987 Post Road. Mr. Watt stated that he is an attorney that used to represent the Warwick City Council. From his experience, the first thing anybody with a major project should do is go out and see the neighbors. Nobody on the West side knew anything about the project until the certified mail. He stated that when the project architect talks about the context and only considers the East side and doesn't mention the west side, it loses credibility. He agrees with Mr. Revens that the need is there for elder care, but this building is ugly. He thinks the parking area should be in the back and fresh plantings in front of the building every year to block the ugly façade of the building. The east side has been abandoned years ago. He said when you speak of being concerned about the neighborhood, but no one contacts the neighbors, it smacks of being untrue.

Julie LeBlanc, 4042 Post Road, #2. Her concern was parking. She states that parking is already

a major issue with Chelos and the existing Brentwood Nursing Home. There are regular events where people park cars up and down Post Road and it is a major traffic issue for area residents. She asked how many parking spots are being provided. Mr. Revens responded that the proposal meets the code requirement of 1 space /2 beds. Mr. Revens added that none of the residents will be driving. Ms. LeBlanc asked how this compares to the existing Brentwood facility. Mr. Miga, the Applicant, stated the existing facility has 96 beds and that would stay as is. It is a separate facility. Mr. Revens said the owners would make an effort to hold events at different times to help alleviate the traffic and parking issues. Ms. LeBlanc concluded that she is not as concerned about the design; it's the proximity and traffic.

Mr. Revens stated that he didn't expect this response from the abutters because it is out of the site lines and does not block views as indicated by the Project Architect. He has had discussions with the Planning Department about the aesthetics of the building and it is something that can be revisited and addressed at the next level if Master Plan is granted.

Eileen Peduto, 4042 Post Road, #6. She stated that the building is an eyesore and doesn't think anyone here would want to live next to it. She purchased the end unit this past June, right next door to the proposal, and would not have bought if she had known. This will devalue her property and will have a major impact on her life. The other allowable uses would not be 24 hours per day facilities. She is also concerned about razing of the buildings on the site. She never imagined a building this intensive. She is concerned about the emotional impact this can have on the abutters. Asking to have the project scaled down, Ms. Peduto asked who is going to want to live in her condo. Who's going to want a view of an assisted living facility?

Ms. Stenhouse asked Mr. Revens where the trash containers and deliveries would be. Mr. Revens responded that they are all on the north side of the building

Laurie Gay, 4019 Post Road. She lives directly across from the site. She bought their house for the neighborhood. There are beautiful views of the bay any time of the year. She has raised her children there and now her grandchildren. Her major concern is the traffic. She is concerned for the safety of children living on the property with her. She currently hears the fire trucks and ambulances going in and out of the existing Brentwood Nursing Home and is concerned that this facility will be adding to the problem. In summary, major concerns are traffic, emergency traffic and decrease in property values.

Dennis Gay, 4019 Post Road. Mr. Gay is from the west side of Post. He is concerned with the lack of contact with the Developer. He was confused by the notice term of "public informational meeting" and didn't realize that it was more than informational and that a decision would be made. He is also concerned with cars parking along Post Road during events at the existing Brentwood Nursing Home.

Mr. Revens responded that rescue calls are a very rare occurrence. Nursing Homes use an ambulance for all scheduled appointments, which never use sirens. He stated that there is no evidence that an assisted living facility will decrease area property values. This is a major financial investment for the applicant, which doesn't usually hurt property values, it helps. Mr. Revens stated that they want to be respectful of the neighbors and would be happy to meet with anyone after this meeting regarding the project to talk about any issues of concern. Ms. Pisaturo asked the reason why the Applicant didn't meet with the neighbors beforehand. Mr. Revens

responded that he didn't think the abutters would have any issue with it, quite frankly, because it isn't in their view corridor. He feels this is a compatible use, very low traffic generator, less than a doctor's office, which is allowed. It's also a very quiet use. It will be very well staffed and maintained.

Ms. Pisaturo stated that there has been testimony challenging the architect's description of the "grove of trees" between the two parcels. Some of the neighbors have indicated that they are not there. Mr. Revens submitted photos (3) of the site showing the trees and asked to have those marked as exhibits. These photos were taken in the 72 hours prior to the meeting. The photos were accepted and marked sequentially for the record. Mr. Revens stated the property that belongs to the applicant will be fully landscaped. He would be happy to show the landscape plan which will be available before preliminary approval, to the any of the neighbors before the next meeting. Mr. Revens stated that he would be happy to sit down with abutters and work out the landscaping.

Mr. Timothy McCarthy, 4042 Post Road, #10. He moved in 1 ½ years ago and was concerned with the lack of engagement with the neighbors. There will be two units on the end of Seawatch that are affected, not one like contended. There is a triple window in the upper unit that will now be facing the very large south wall of a building. This developer is asking for a special use permit, dimensional relief and a merger of lots and needs to be sensitive to the impact the building will have on the neighborhood. Mr. McCarthy agreed with the concerns regarding parking. At one point an event caused all of the 7 visitor spaces at Seawatch to be full without permission or notification. Mr. Miga is currently using this parcel for overflow parking. How will this affect the proposal He has concerns with the way the project addresses the sloping of the site and how that will relate to the Seawatch building where the neighbors will now look up on a full four story elevation. Looking at the buildings on Post Road, both the West and East side, there are no other buildings that are this massive. He would like to see the building redesigned to a proper scale. The developer should look at the Seawatch development as an example for size and scale. He supports and appreciates the Planning Department's stipulations. He is an owner of a medical practice. It is very rare that a medical office building would be used 24 hours per day or on weekends, as the assisted living building would be. Encourage the developer to think about more creative and inventive ways to use the site; think of a campus environment to create open space and utilize the land in a less massive way than a single building. Also concerned with location of mechanicals, it's one thing to talk about view, but concerned with noise that may be coming from mechanicals. He is also concerned with the number of curb cuts between Brentwood Nursing Home and Brentwood Assisted living and people getting lost and using the condo as a turn around. He would like a smaller building or a more creative design.

The Chair called for a short recess.

After the recess, the Chair asked if there was anyone else to speak on this project.

Mr. Revens asked to have eleven (11) more photos entered into the record showing the size and scale of some of the other buildings near the proposed site. The photos were accepted and marked as 6 through 17.

Mr. Ruggiero suggested the Chair leave the public hearing open while the Board deliberates and close the meeting after the Board votes.

Mr. Gambardella asked if there were any questions from the Board.

Ms. Pisaturo stated that having heard some of the concerns of the residents, even though notice was properly given, would the applicant be able or willing to consider some revisions with respect to size and dimension of the project and down size the proposal. She knows this is not required but is curious if this is something the applicant would consider.

Mr. Revens stated that the applicant would consider changing the architecture of the building but not the size or dimension, since it meets all of the regulations. They would be happy to work on that between Master Plan and Preliminary. The dimension, parking and location of the building would not change. The drive was deliberately put on the north side of the parcel. Mr. Revens stated that if people are so upset about the architecture, he's sure his client would consider other styles for the building. Mr. Revens stated that he has had conversations with Ms. Reynolds of the Planning Department regarding that issue. He could come back with other designs and show them to the neighbors prior to coming back to the Board, but he would like to get Master Plan approval at this time. The building needs to be a certain size to make it economically viable.

Ms. Pisaturo asked if the Applicant has determined the minimum size necessary to make the operationally viable. Mr. Revens responded that's what this proposal is, the minimum size.

The Applicant, Mr. Richard Miga, asked to speak. He stated that there are certain efficiencies of scale that are required to make the project work. They have determined that it is necessary to have 20 to 24 people per unit to make efficient use of staff. This model represents the state of the art in elder care. He has hired a great firm to do the design. He tries to be respectful to the neighbors asking staff to park off site when there are events and to hold the events to off hours and short amounts of time. He hires police details to help with any traffic issues. His family has owned Brentwood for 40 years.

Mr. Mulhearn suggested to the chair that many of the things being discussed are not relevant to the Board; the design of the rooms, what's on the floors, etc. and that maybe the Applicant and abutters could discuss these issues at a different time.

Ms. Pisaturo stated that Mr. Miga was addressing the size of the building which was in answer to her question and may have an impact on her vote. She does think it's relevant and very much appreciates the comments from the Applicant himself.

Ms. Stenhouse asked Mr. Revens if he was welcoming further discussion or dialogue with the neighbors. Mr. Revens responded absolutely.

Being no further comments from the Board, the Chair asked to have the Planning Departments recommendation read into the record.

Prior to reading the stipulations, Ms. Reynolds clarified how the building was sited within the building envelope and that it did not occupy all of the buildable area as contended by one of the abutters. Ms. Reynolds stated that the department has worked cooperatively with other developers on project designs to get a building that fits the site and that everyone is looking to

work cooperatively for the best product, for the applicant, for the neighbors and for the city. Ms. Pisaturo asked if this is usually done before or after master plan approval. Ms. Reynolds responded that it is the Planning Department's intention to work out as many issues as possible prior to the meeting. Ms. Pisaturo stated that from her experience on the board typically the Planning Department's recommendations are presented quite symbiotically with the Applicant and worked out before the Master Plan presentation. Ms. Pisaturo asked why that was not done in this case.

Ms. Pisaturo stated that she was worried about putting the cart before the horse in terms of granting Master Plan approval with outstanding concerns. Ms. Reynolds stated that she has worked with the Attorney on prior applications and would imagine a solution could be worked out if Master Plan approval is granted but stated that it is usually done earlier.

Mr. Revens stated that the architecture has nothing to do with the Master Plan. He has agreed to change the façade of the building. He stated that the Applicant needs to make sure there is enough parking and landscaping to make the building attractive. If he can move the building slightly without losing parking, the Applicant would be fine with that. This has nothing to do with the Master Plan. Mr. Revens stated that if this is continued, it will delay the project. Ms. Reynolds stated that the Planning Department stands behind its recommendation to grant Master Plan approval with the recommended stipulation. Mr. Revens asked about the language of stipulation #13, but was satisfied with clarification by Planning staff that building shall be moved as allowable by site and code constraints. Ms. Reynolds removed stipulation #15 regarding access between Brentwood nursing home and Brentwood Assisted Living since the properties are not under common ownership.

At this time Ms. Reynolds read the Planning Department's findings and recommendation and stipulations into the record, as amended to eliminate number #15. The Chair asked for a motion from the Board to accept the Department's recommendation and stipulations.

Ms. Gambardella asked for a motion from the Board to accept the Planning Department's findings and recommendation.

Ms. Gerlach asked to add a new stipulation #15, that the Applicant shall submit a cross section of the building to the zoning board of review and as part of the Preliminary submittal.

Mr. Revens had no objection to this additional stipulation.

The chair again called for a motion.

Mr. Mulhearn made a motion to accept the Planning Department's findings and recommendation, as amended to include the new stipulation #15, and make a recommendation in favor of this Application. The motion was seconded by Mr. Desmarais. Mr. Ruggiero asked for a role call and stated that five votes were needed.

Mr. Desmarais, Mr. Gambardella, Ms. Gerlach, Mr. Mulhearn voted in favor. Ms. Pisaturo abstained stating that she was not comfortable granting Master Plan approval based on what was presented at the meeting.

Ms. Stenhouse abstained stating for almost exactly the same reason Ms. Pisaturo stated, that she was not convinced she had all the information necessary to make a good decision.

The motion failed to be approved, with four yes votes and two abstentions.

Mr. Revens asked for a recommendation to the zoning board. Mr. Ruggiero stated that it is not relevant since there is not an approved master plan since the motion didn't carry.

Ms. Pisaturo made a motion to close the public hearing. The motion was seconded.

The Planning Board reviewed the Administrative Subdivision.

The meeting was adjourned at 9:30pm.