

most of the questions have to do with some of the mitigation measures that are proposed for impacts to terrestrial and aquatic ecology. Joe had comments on the necessity of the offered mitigation measures. Hilary talks about the nesting habitat creation areas for the box turtles and states that the Applicant's Herpetile Protection Plan has a number of different measures one of which is to create a nesting habitat on the Site. Joe has concerns that the Site wasn't documented and doesn't appear to be utilized for nesting purposes currently, and if nesting areas are created individual species may be attracted to go further into the Site development than they otherwise would have gone in the absence of these created nest areas. Joe's recommendation is to not create a new habitat for the nesting of turtles. That would eliminate the maintenance and long-term monitoring that has been offered as well. Cynthia confirms with Hilary that the turtles may be introduced to the interior of the development where they may not survive. Cynthia asks Hilary if the Board has to decide this now. Hilary states that it may be kept as an open item for now. It would be best if the Findings made a determination that the Applicant offered this type of mitigation, but in consultation with the Planning Board's Consultant it has been determined that this mitigation measure may not be warranted. Cynthia states that we still have not heard from the CAC. Hilary states that if the Board would like more of an explanation from Joe, she believes he will be happy to provide it. Cynthia states that there are two different opinions as to whether or not this is a viable alternative.

Hilary refers to the extent and location of the proposed equestrian trails system and states that as it has been designed and evaluated creates a full loop around the project site. It is more than just a connection to the off-site trail system but actually loops through the whole site going through wetland and buffer areas including the State wetland buffer. It would be appropriate to discuss the balancing of the impacts. Does the recreational benefit and the proposed trail use balance with the impacts, or can the same recreational objectives be achieved by providing the initial trail connection off June Road which connects to the larger trail system. Hilary states that it has been a suggestion from Joe throughout this review to have less ongoing impacts by not having a complete circular trail system. Cynthia asks where the bridge comes in. Hilary states that the bridge is part of this trail, but she does not believe it was intended for it to be an equestrian bridge, but rather a pedestrian connection as part of the trail system to provide access from the Salem Hunt Site to the adjacent Town parcels. Hilary states that the impact of the evaluation of the bridge has shown it to be fairly minimal, however it does require crossing a stream and it is in a wetland. Hilary suggests the Board craft the Findings in such a way so the right to acquire such a bridge is reserved without the requirement of immediate construction. In the event it is determined that the use patterns of the residents will require such a bridge connection the impacts have already been evaluated and a request for a permit may be obtained subsequently. Hilary is not sure it is appropriate to package it in and require it to be built right away as it might not be utilized.

Cynthia asks Charlotte to take a look at the Map which shows the horse trails. Charlotte states that for the trail itself it is most important that it connects to the main bridle trail. The wetland area is discussed. The lower route is discussed. The Board looks at the proposed trails on the Map. There is a discussion about the trails in conjunction to the barn. The northern route is discussed. Charlotte will speak with the Bridle Trails Association for a confirmation as to what would be the best route. The pedestrian walking trail to the school is discussed and shown. Hilary states that a pedestrian trail is a different use with less of an impact than horses.

Bill Balter clarifies that the request for the bridge was suggested in several of the comments. He would like the Findings to include the bridge. Hilary states that the Findings will allow for the bridge, but it will be clear that it isn't something required to be constructed right away.

Cynthia asks Hilary if she is clear on the stormwater. Hilary states that she cleaned that area up in the document.

Cynthia states that as soon as Hilary provides her with the balance of this Draft it will be forwarded to the Hydrogeologist, Consulting Engineer and Traffic Engineer for them to review it before the Board finalizes it. They have not seen the document yet, but it includes their work products to date.

Hilary states that another item that was not clear in the Draft Findings Statement that the Applicant prepared is discretion on the plan construction sequence in particular for the affordable units. Mr. Balter states that he is not prepared to discuss this off the top of his head, as he just returned from vacation. Cynthia states there were three phases originally talked about. Cynthia talks about a phased occupancy which happened on another project. We made sure that after so many COO's were received, a certain amount of the affordable units also received their COO's. Cynthia confirms with Mr. Balter that the affordable units will be spread out instead of segregated. Mr. Balter states that there is approximately one affordable unit in each building. There is discussion about the construction sequence. Roland states that it would have to be tied into the COO's. Cynthia states she was referring to other units being constructed without affordable units being complete. Mr. Balter suggests not receiving the final COO for a building until the affordable unit is sold. Cynthia states that we will be looking at the phasing. Cynthia asks Hilary where this item will be located in the document. Hilary states that it will go into the Land Use & Zoning Section. That is where the affordable units will be discussed. Mr. Balter states he will give this item more thought and make a proposal to the Board. Cynthia states that they have something proposed in one place, and a construction sequence in the drawings. We need to sit down and look at the two to see if they make sense.

Hilary states those are her major questions so far and asks if there are any specific issues the Board would like to make sure are addressed and included. Cynthia states that for her the biggest concern is that the HOA document clearly shows for everyone's sake exactly what commitments the HOA will make. In addition to items being on a construction document and filed plat, they also need to be on a HOA document. Mr. Miller states that certain documents have been submitted. Cynthia states that we need to go back and check one against the other.

Gary asks what was decided for the recreation fee. Cynthia states that the amount requested is \$300,000 which is over and above what is already being provided on the Site. Gary confirms there are 65 units. Cynthia states the proposal is for an on-site pool, trails, and open space. Gary asks what the normal fee is. Cynthia states that the fee changed from \$5,000 per lot to \$10,000 per lot last year. Gary asks how we decided on the fee. Cynthia states that we took into account that the proposal is for on-site recreation, pool, on-site open space, affordable housing units, and club house. Hilary states that the trails will be open to the public.

Cynthia states that we have a lot of reading to do and a lot of decisions to make by the next meeting, and asks the Board if they would like this to be put on the next Work Session for more discussion or if they are comfortable taking the final Draft and going to the first meeting in October for a Resolution. Bernard asks what is on the Agenda for the Work Session. Cynthia states that the signs and wetlands would have been discussed at the Work Session. The Board prefers to continue this discussion at the Work Session. Cynthia confirms with Hilary that she will provide her with the balance of this Draft by the end of this week. Then by the Work Session we will be ready to fill in comments.

Mr. Balter will speak with Cynthia about the construction phasing so he understands it better. Mr. Balter confirms the date of the Work Session is September 16th.

Gary asks Mr. Balter when his Homeowners Prospectus will be prepared. Mr. Balter states that when the Site Plan and Subdivision approvals are received they will begin to prepare the Homeowners Prospectus which will take approximately five months to finalize.

Two neighbors are in the audience tonight and are concerned about the location of the leaching fields, as they live near the proposed site. One neighbor has a hand dug well. Cynthia states that a member from Mr. Balter's Project Team will show the neighbors exactly on the Map where the leaching fields are being proposed. Cynthia also states that a Sewage Treatment Plant is being proposed. Cynthia confirms there are no other questions from the audience or the Applicants.

2. T-Mobile Northeast, LLC: Cara Bonomolo, Esq. (owner – Pasquale Carrozza)
Site Development Plan (location – 509 Route 22)

- Pre-Application Presentation Regarding Proposed Communications Facility.
- Completeness Status of Application

Cynthia states that tonight we will have a Pre-Application discussion and presentation. At the same time a full Application was submitted, and we have a Completeness Report. Cynthia asks Cara Bonomolo if she is prepared to give the Board a presentation tonight, and if she would introduce the Project Team.

Good evening. My name is Cara Bonomolo. I am an Attorney with Snyder & Snyder, LLP representing T-Mobile Northeast LLC (T-Mobile). With me this evening is Ed Yorke, the Radio Frequency Engineering Consultant for T-Mobile. He prepared the coverage maps posted on the board tonight which we included as Exhibits in our memorandum. We also have Aaron Myl who is a representative from T-Mobile, as well as David Weinpahl who prepared the Site Plan. T-Mobile is seeking a Conditional Use Permit and Site Plan Approval to locate a wireless communications facility at the commercial property located at 509 Route 22. The facility is proposed as a 110 foot monopole with 6 panel antennas located therein, so they will not be visible from the exterior. The facility is proposed to be painted brown to blend in the existing vegetation. We are open to other colors should we get to that point. The facility will also include radio equipment cabinets at the base which will be located within a fence compound proposed to be 6 ½ feet high. We are proposing a wooden fence to match the existing fence that surrounds the current equipment at the site. In accordance with the Wireless Facilities Law we did submit required materials and reports including a report from Mr. Yorke, Radio Frequency Engineer, which demonstrates the need for this facility to remedy a significant gap in the reliable coverage that T-Mobile provides in the area of the Site. We also submitted an RF Compliance and Assessment Report which certifies that the facility will operate in accordance regarding radio frequency exposure. That report takes into account both the proposed antennas of T-Mobile, as well as the existing antennas of Sprint that are located at the property. In addition we have submitted a Structural Certification letter that certifies that the facility will be done to comply with all applicable structural requirements. We did just receive tonight a copy of the memo from the Planner, and will be happy to answer any additional questions regarding this Application.

Cynthia states that because the Application is so incomplete it was very hard to follow some of the reasons for choosing this Site. Cynthia asks the Applicant to take a giant step back and try to envision why this location and who will be served by it, and why not choose at least a site that somewhat follows our zoning as far as the acreage especially. Cynthia states that this is a low site. There are high spots that might provide better coverage within North Salem rather than Somers. Cynthia asks if someone from their team may tell the Board why this facility is being proposed for this location, and why not on an existing pole such as on Turkey Hill. Ms. Bonomolo talks about existing structures and states that Sprint does have antennas that are already located at this proposed Site. Cynthia states that there is a big difference between antennas on a building and a tower. Ms. Bonomolo states that at that time there was a search done for other existing structures in the area and states that there is a lack of existing structures in that area. Ms. Bonomolo states that this site was selected due to the fact that it already supports the antennas of a wireless communications carrier. It is located in close proximity to Routes I-684, 22, and 116 which are the major gap areas as described in the report by Mr. Yorke. It is also located next to the Metro North Railroad, as well as in a commercial zoning district property used for

commercial purposes. We do recognize that this facility will require variances which we will apply to the Zoning Board of Appeals for and demonstrate how the Application meets the standards for approval of the necessary area variances. In his report, Mr. Yorke explains the topography of the area. Ms. Bonomolo asks Mr. Yorke to expand a little upon how the area is in a valley and why the site needs to be located in that valley in order to provide coverage.

Mr. Yorke refers to his report submitted with the proposal. Mr. York states that A.1 shows existing coverage throughout North Salem, as well as a big picture view. A.2 is a zoom in of the local area. The green shaded area on A.2 shows the existing reliable coverage. There were two concerns with A.2 in the coverage area. The first concern was the main highway of I-684 and the State Highway of Route 22 have a gap near where the terrain drops down. There is a little dip there. The orange shaded area on A.2 shows existing site locations. Cynthia asks why the existing sites do not cover the gap on I-684. Mr. Yorke states that significantly to the west of the area if you follow along State Highway Route 116 there is a residential community. Cynthia states that is in Somers. Mr. Yorke states that is the objective T-Mobile wishes to address. A.3 is similar to A.2 however instead of showing the computer generated plots, we have real world signal measurements, for which we drove around and collected the data. We wanted to make sure the data in A.2 match with the data in A.3. The green areas on A.3 show the signal strengths to be very strong. The yellow areas on A.3 show the signal strengths to be a little weaker. The grey areas on A.3 show the signal to be very weak. The green areas with the strongest coverage is sufficient not only to cover vehicles, but also residential homes and commercial buildings. The yellow areas although weaker still will satisfy coverage from vehicles. The grey areas do not provide coverage at all. Mr. Yorke states that from an engineering perspective he not only looked at the computer generated plots on A.2, but cross-compared with A.3 and found the story to be similar. Mr. Yorke feels that there is a gap in service for the residential community, along I-684, as well as Route 22. Mr. York refers to A.4 and states that this is where he overlaid the two data sets together to show that they do cross-compare. It is always good to confirm the computer predictions with real world data. Mr. Yorke feels that the information is fairly accurate enough to conclude the gap exists.

Cynthia asks Mr. Yorke if he looked at the feasibility of locating the tower in the middle of the residential district in Somers. Mr. Yorke refers to A.5 which shows a satellite view of the overall area. This is an area with a lot of trees, and it is all residential lots. For a tower to be built in that area it would be on an individual's residential property adjacent to someone else's house. Mr. Yorke does not believe a willing landlord was found for that type of proposal. Cynthia asks Mr. Yorke if the Metro North Railway Station was looked at. Mr. Yorke will ask their Site Acquisition Engineer about that. Cynthia states that while it is true this facility is being proposed on a commercial lot, even though we have not seen visuals, the extent of the commercial area is a couple of buildings on Route 22. Right behind it is a very substantial residential neighborhood in our Town. The top of this proposed Tower will be seen right out of their bedroom windows. In addition, this residential area is about to be declared a Historic District. Cynthia states that the Board wants to confirm that the Applicant has fully researched the entire area, and that every possibility in the surrounding area has been looked at so as not to have an impact on any residential neighborhoods.

Ms. Bonomolo states that it is her understanding that T-Mobile looked at the Metro North Train Station and that there is a significant lack of space at that property, and parking is an issue, with people parking on Route 116 during the day due to the lack of sufficient parking. Gary states that he does not believe anyone was contacted at the train station; there is a lot of space there. Ms. Bonomolo states that she did not say they contacted someone at the train station, she said they took a look at it. Gary asks how they came up with the fact that there is not enough space. Gary states that there is a ton of space just south of the station where there is a big sub station that power is run out of. Gary states that wireless equipment is there. There are a number of spots where a base station and equipment may be located. Gary would like to know why the Applicant is in the opinion that there isn't enough space. Ms. Bonomolo states that their opinion is from an examination of the property and the fact that people are parking out on the street. Ms. Bonomolo states that they will take

another look at that area. It is DEP property. Ms. Bonomolo states that the MTA has not been a willing landlord.

Cynthia refers to a high hill above the nursing home where a tower already exists on the top of Crosby Road. The tower is visible when traveling on I-684. Ms. Bonomolo asks who the owner of the property is. Cynthia states that the owner is Sulcevski. Ms. Bonomolo states that T-Mobile did approach the nursing home and they were escorted off the property.

There is a discussion about a tower in Somers located at the Somers Town Center which is 100 feet tall. Gary asks if they went to 160 would they obtain the coverage they are seeking. Mr. Yorke does not believe so. He refers to A.6 and states that the circles in blue show the local terrain peaks. The site that we are talking about now is on the other side of Route 202. Mr. Yorke states that there is a valley where the residential neighborhood is which is approximately 250 feet above sea level. We have illustrated the surrounding peaks that go up all of the existing sites. Gary asks if this tower goes up is the Applicant proposing co-location. Ms. Bonomolo states that the facility has been designed to support the antennas of two additional wireless carriers. Cynthia states that why not have T-Mobile by themselves and stop at 100 feet. Ms. Bonomolo states that they would still require 110 feet. Even if it were just T-Mobile, the tower would have to be 110 feet tall. Cynthia states that the Applicant should tell the Board who the other carriers are and why there is a need for co-locators. Cynthia refers to the Town Code and states that they can't have a 110 foot tower unless there is a co-locator. Ms. Bonomolo does not agree with the reading of the Town Code. Ms. Bonomolo states that they do not have a co-applicant at this time. In accordance with the Town Code we are designing the tower for co-location. The report that Mr. Yorke submitted demonstrates why T-Mobile needs a minimum height of 100 feet to provide the necessary coverage. However, because we are designing the facility as a monopole with the antennas inside we cannot fit all six antennas at a single level, so we need the additional height to go to 110 feet. Cynthia states that the current Comprehensive Plan Committee is working on that section of the Town Code. They are not in favor of co-location because it makes towers higher. We may see a recommendation from them requesting the tower have a single carrier, and be lower in height. Cynthia confirms that the Applicant is limited to 110 feet. Gary understands why the Applicant would want to go higher. He does not understand why it can't be 100 or 110 feet with the antennas on the inside. Mr. Yorke talks about the stealth monopole which is the least visible, and states that they can only fit three antennas out of the six at 100 feet. Cynthia asks what is the likelihood that another carrier would be interested in a slot underneath the prime space. Mr. Yorke states that his analysis is based on T-Mobile's network. Other carriers have different frequency bands which have different behaviors. It might be that at 80 or 90 feet that works for the cellular frequency for Verizon or AT&T. Cynthia states that the Applicant should find a co-applicant so this makes sense otherwise they should not talk about co-locating. Cynthia states that this is part of what the Board will be looking at, the whole network of towers that are going to be coming into this area. Ms. Bonomolo states that T-Mobile would not necessarily know if anyone else has a gap, we are not privy to their technical information. We will informally reach out to the other carriers such as AT&T and Verizon to find out if they would be interested in co-location. Ms. Bonomolo states that is not conclusive. A response may come back stating that they are not interested at this time, but they may be interested in the future.

Cynthia states that she is not sure if the Applicant is going to continue to propose this site with all of the information listed in the Completeness Report. It would be beneficial at this early stage to see a visual rendering which shows the height of the tower and where it ends up in conjunction with the houses behind the site. Cynthia states that if it stays down below the houses, that would be a much better argument than if it is going to be very visible. Ms. Bonomolo states that is one of the items she hoped to discuss tonight would be moving forward with a visual analysis. Ms. Bonomolo states that they did not prepare a visual analysis because they wanted the input and involvement of the Board when we actually have a balloon test performed. Certainly that is something that we are prepared to move forward with. Cynthia talks about waiting to perform a visual analysis until the leaves are off the trees. Ms. Bonomolo talks about establishing a date now

for November. Cynthia is not sure if we should be moving that quickly when there are so many variances that would be needed. Roland states that the Board will handle the SEQR. The Zoning Board of Appeals will not be able to act until the Planning Board does. Roland states that the Applicant will go down the path a long way before they know if the variances will be granted. Ms. Bonomolo states that they will need variances from the front yard, rear yard, and side yard for the tower, and front and rear yards for the equipment. Cynthia states that they will also need a variance for the lot size. Cynthia states that the Town Zoning Ordinance has a requirement of a 6-acre lot.

Mr. Yorke refers to B.1, B.2, and B.3 which show the basis for the 100 foot determination. In preparing the three prior mentioned exhibits we performed a real world test. We took a crane and transmitted information for the day at three heights. We drove around the area to collect the data to see what the results were. B.1 was the 110 foot test, B.2 was the 100 foot test, and B.3 was the 80 foot test. The green dots on B.1 show the level of coverage. At a 110 foot height the coverage works for in vehicle, residential and commercial zones. Cynthia states that the residential neighborhood in Purdys is off the map. Mr. Yorke states that it fades out because of the terrain. Cynthia states that the maps that were submitted do not show that this tower will serve a purpose for the neighbors in Purdys. Mr. Yorke states that they did not concentrate on that area because it is on the other side of the big hills. Cynthia states that it looks like the residents that will be impacted the most by this tower have coverage already. Cynthia states that the Applicant is concentrating on neighborhoods in Somers. Ms. Bonomolo states that they are also proposing to provide service within the Town of North Salem on Route 116, Route 22, and I-684. Cynthia states that the proposed service on Route 116 in North Salem is being proposed to be extended approximately 500 yards. Ms. Bonomolo states that members of the North Salem community travel along these routes. Cynthia states that the only place in North Salem that people complain about a lack of coverage is on the border with Lewisboro. Cynthia states that from the maps she sees the gap. Cynthia would like the Applicant to be sensitive to the residents of North Salem. Ms. Bonomolo states that they will take a look at the tower on Crosby Road. Robert states that the best spot is the train station.

Cynthia asks where in Somers T-Mobile is proposing another tower. Mr. Yorke states that T-Mobile is proposing a tower at Somers Common. Ms. Bonomolo states that they have included a coverage map that shows the coverage from that site and how it would match up with our proposal being discussed tonight. Ms. Bonomolo refers to C.3 which shows coverage in purple which is from the T-Mobile proposed site at Somers Common. Cynthia asks if the Applicant is looking further in Somers to fill the residential gap in Somers. Ms. Bonomolo states that there is coverage from outside the Town of North Salem, as well as within the Town of North Salem. Cynthia asks if the Applicant has looked along Route 116 in Somers, as there is a long area with no homes. Ms. Bonomolo states that they will look at that. Cynthia states that the visual aspect will be a big concern. Ms. Bonomolo again suggests setting a balloon test for November in order to assess any potential visual impacts. Hilary states that generally a firm rationale for a location would be obtained for the Board prior with regard to the radio frequency. Quite often the Board has called upon their own radio frequency consultant to review the coverage maps and make comments or recommendations. Cynthia asks if that should be done at this stage or wait for a complete application. Hilary states that is up to the Board. Ms. Bonomolo states that most of the items listed in the memo under the completion portion are Site Plan issues that don't necessarily have to do with radio frequency. Hilary states that some of the larger issues were brought up into the forefront of the memo. Ms. Bonomolo states that it may be better for the Board to hire a radio frequency expert to review the Application earlier in the process rather than later if that is the way the Board would like to go. Gary states that there is no harm with scheduling a balloon test going into the second week in November. Cynthia is very concerned with the potential for a co-locator. Cynthia states that the Applicant is at 100 feet unless there is a co-locator. Cynthia talks about the Board obtaining the opinion of a radio frequency consultant. Hilary states that it may be a good idea to have the radio frequency aspects buttoned up so the Board knows they are evaluating the proper tower. Roland states that the Board is starting off hiring professionals when they have not declared their intent to be Lead Agency, as well as the fact that the

Application is not complete. Hilary states that she would not refer the Application as it stands now to a radio frequency consultant. Hilary would prefer to have the Applicant come back with a response to tonight's comments, as well as addressing her review memo. Then the adequacy of the next submittal will be assessed. Cynthia states that she has not been on this Board when a tower has been in front of it except for 25 years ago. Roland states that it is his understanding that when a Board jumps to have a balloon test this early on, more than one ends up being done. Roland is not sure if the Applicant wants to do multiple balloon tests. Ms. Bonomolo suggests the Board figure out who they are going to retain as a radio frequency consultant so they are ready to go forward with the review so that the Applicant is not held up down the line. There is discussion about a separate escrow to be set up for the radio frequency consultant's bills. The Board may discuss this again in a month at the October 7th meeting.

The letter to the MTA is discussed. Hilary confirms that the Board would assist the Applicant in working with the MTA to obtain approval for the proposed facility to be located at the train station.

Cynthia confirms the Applicant received a copy of the letter that was sent to the property owners regarding the possibility of illegal apartments on the property, and suggests Ms. Bonomolo speak with the property owners. Cynthia states that if a violation is issued from the Building Inspector, this Application stops.

Hilary states that the review memo for the above project was co-authored by Sonja Teichmann also from MDRA. Sonia is introduced to the Board and the Town Attorney. Sonia will be handling some of the projects Hilary has been working on for the Town.

3. Comments from the Chair:

- Dubin Conservation Easement – Referral From the Town Board

Cynthia states that the Town Board held a special meeting just to refer Dubin to the Planning Board. Cynthia talks about figuring out how to go about amending a Conservation Easement when there is no provision for it in the Town Code. Roland states that there probably wouldn't be a provision for it in the Town Code. Cynthia asks if we need to involve the Savino's. Don states that Dubin owns both lots. Roland states that it is not necessary to go to a prior owner. Hilary confirms that the person making the donation would be the owner of the property at that specific point in time. Roland states that under common law, two willing parties may amend a land use document. It will require a Public Hearing at the Town Board level. The Town Board wanted to obtain a recommendation from the Planning Board. Cynthia asks if procedurally are we following the Code as if it were a new Conservation Easement. Roland states that he has not seen what Mr. Rossi is proposing. Roland states that when a situation like this happens the concerned language is amended, such as the repair of bridges in this case. Roland did not envision recording an entirely new conservation document. Roland thought the existing conservation document would be amended.

Cynthia states that the Planning Board has to make a referral to the Wetlands Inspector and the Conservation Advisory Council for which they will have 30 days to review. Mr. Rossi states that he and Cynthia have had discussions about there being a number of different forms for conservation easements that have been granted on property in the Town. Mr. Rossi drafted the Conservation Easement for the Savino Subdivision and never envisioned that it would prohibit overall landscaping improvements. I never thought for a second that the repair of a bridge abutment would not be allowed. Cynthia states that the language is very clear. Mr. Rossi states that we have two options. We could deal with very site specific amendments to the Conservation Easement to address the current Wetlands Permit Application that is before the Board in order to avoid any issues cropping up in the future, the other option would be to have the Conservation Easement be geared more to those rights that are listed in the Westchester Land Trust Documents so that it is clear that if anything comes up in the future, such as the need to open up a stone wall for a horse trail, there will be language

preventing it. Cynthia states that the Board is being cautious because it is a sensitive area. Cynthia states that even with this amendment going through it should not be interpreted as a green light for the Wetlands Permit Application. Roland talks about the rescission of the existing document versus a new document. Roland talks about income tax deductions that may have taken place. Roland is concerned about language being changed in the existing document. Mr. Rossi does not know what the Savino's have done. Mr. Rossi states that Mr. Dubin bought 200 acres with Mr. Rattner off Mills Road so it would not be developed. Mr. Rossi states that this Conservation Easement essentially follows the areas of the controlled area. Roland confirms with Mr. Rossi that all of the property on the Savino Plat is now owned by Mr. Dubin. Mr. Rossi states that Mr. Dubin bought four acres from the Savino's after a lot line change from the lot that was closest to his other property. Then Mr. Dubin bought the Savino's property for protection which had a lot line adjustment. Mr. Dubin then bought the balance of the property. Mr. Rossi talks about obtaining a Report from the Planning Board and an amendment of the Conservation Easement to permit what is contemplated on the Wetlands Permit Plans before the Board. Mr. Rossi states that the policy of the Town to encourage people to buy property in Town and grant Conservation Easements is to be promoted. By taking a restrictive view towards property owners, there may be impacts down the line. Cynthia states that she would like Roland to take a look at the specific section in the Town Code, as the language is a concern to her. Cynthia states that this specific Conservation Easement does not have a modification clause. Mr. Rossi goes over the Draft Amendment to the Savino Subdivision Conservation Easement that he has brought with him tonight. The Board will take a look at the Draft. Roland states that the Draft Mr. Rossi has provided the Board with tonight needs to be read through. Cynthia will provide the Board with a copy of the Conservation Easement from the Savino Subdivision. Hilary states that it is her recollection that because the Conservation Easement is proposed over a controlled area which is already regulated and limited, it was the intent of the Board at the time that the Conservation Easement would provide further restrictions and limitations and eliminate the potential for some of those wetland permit aspects to be applied for. This item will be put on the Work Session Agenda for September 16th.

4. Minutes:

- August 5, 2009

Chairwoman motions that the Planning Board Approve the August 5, 2009 Minutes. Gary Jacobi seconds. All in favor. No opposed.

5. Financial Report:

- August, 2009

Chairwoman motions that the Planning Board Approve the August, 2009 Financial Report. Gary Jacobi seconds. All in favor. No opposed.

6. Next Meetings:

- Work Session – September 16, 2009
- Regular Meeting – October 7, 2009

7. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney. All in favor. No opposed.