



type of wetland there is a sloping system which tends to be wet just in the spring and dries out in the summer. Mr. Kenny states they would like the opportunity to work during the summer, at least to do the Barberry cutting. Mr. Kenny states what has been described is fine. Cynthia talks about splitting it and have the tree cutting done in the winter when the ground is frozen and say the invasive species would be the same unless otherwise authorized. Cynthia states that would more closely follow the Watershed Forest Management Plan. Will confirms Cynthia is saying that the trees will be taken down when the ground is frozen, and the invasive species would come out when the ground is frozen, unless otherwise authorized by the Wetlands Inspector. Mr. Kenny states he thought they had language on the Plan. Will refers to a comment that Joe had stating that Site Inspections by Applicant's Consultants and Wetlands Inspector shall determine the suitability of seasonal timing of invasive removal and tree cutting and pruning activities. Will states that comment leaves the activities open. Cynthia states it is too open in her opinion. Will states he understands. Will states waiting to cut the trees down when the ground is frozen is fine, but there is still the unresolved issue about the bats which may curtail when cutting may take place. Will states we need to know when that is. Cynthia refers to Plan Sheet 2 of 2 Item 1b whereas it states "The use of vehicles for tree cutting and removal of invasive species shall not be permitted in controlled areas with ponded or saturated surface soils" and states going back to the Watershed Forest Management Plan there was more specific information about the type of machinery to be used only when the ground is frozen, in addition to other types being permissible. Cynthia states this is too broad in terms of the use of vehicles. Cynthia states we either have to reference back to the Watershed Forest Management Plan or be more specific in terms of the types of vehicles. Will states he prefers to be more specific on the Plan, versus pointing back to a document that isn't going to be in the field or handy. Cynthia asks Mr. Kenny to go back to the Plan and make this language more specific in terms of what types of vehicles and when they will be used. Cynthia states the whole next Section is on herbicides and she is going to skip over that for now. Cynthia states she will ask Joe to attend the Public Hearing, and we will have heard from the Conservation Advisory Council (CAC) by then. Cynthia states she does understand that the way it is all scoped has to do with the herbicide application. Will states he did have an opportunity to speak with Joe and he did have three points. Will states one point had to do with the bats which we discussed earlier tonight. Will states the other point had to do with the herbicides. Will states their previous Memos had recommended a preference of glyphosate. Will states Joe also wondered why we wouldn't know what would be used, because it should be stated in the Plan, as opposed to our being told what they are going to do. Will states Joe was concerned and wanted the herbicide limited so as to be less harmful to the fish. Will states that Joe can talk about this in more detail at the Public Hearing. Cynthia states to Mr. Kenny that he is going to get a lot of questions about the herbicides and she doesn't know whether he will answer them, or bring someone else with him.

Cynthia refers Plan Sheet 2 of 2, Item 3a and states there were discussions about marking the trees in the field. Cynthia states when the Board did the Site Walk they got a sampling of how the trees were going to be marked and how they were going to be thinned. Cynthia states for this whole parcel, we can't go by discussions and decisions that Mr. Kenny and Joe make in the field, we have to know better right now what we are talking about either as a percentage or as a type. Cynthia refers to Item 3a and asks Mr. Kenny what the range 70-90 FT<sup>2</sup>/ per acre means. Mr. Kenny states the 277-346 is the second part which refers to the quantity of trees per acre. Cynthia asks if that is the quantity that exist right now. Mr. Kenny states that will be the target once the thinning has been completed. Will confirms once it is thinned, there will be between 277 and 346 trees within any given acre. Mr. Kenny states the square footage is the basal area which has to do with a calculation for the cross section of the tree. Cynthia states the Plan also mentioned percentages and we need a better understanding of quantities and types of trees if we are going to allow you to mark them in the field later on. Cynthia states the whole discussion earlier had to do with whether Mr. Kenny had to list all of the trees on a survey and the Board was leaning toward allowing for the trees to be marked in the field. Cynthia states she would like to see the trees marked in the field now. Cynthia states there has to be a better way of describing what we are going to end up with. Mr. Kenny asks whether stating the quantity, after the fact, is not

acceptable. Cynthia states the Watershed Forest Management Plan mentioned at first flush the types of trees that would be taken away, such as dead and diseased trees. Cynthia asks Mr. Kenny to describe more fully the approach to marking and choosing the trees so there is a certain result of good/healthy trees left standing with potential. Cynthia states Mr. Kenny should list which trees will be thinned and which will be taken down. Will states the wording "so many trees per acre" could be interpreted a couple of ways. Will states in theory someone could have a cluster of trees and still meet the number and that wouldn't maintain the integrity of the forest. Will asks Mr. Kenny whether there are any other Standards in the Watershed Forest Management Plan that refer to the distance between the trees in terms of an average, or could he graphically take a sample location and show a type of mixture, such as so many trees per acre, while listing a distance between the trees. Cynthia states there is a whole description in the Watershed Forest Management Plan and suggests Mr. Kenny pull some of that language so the Board gets a sense of how the trees will be picked and chosen in the field. Cynthia refers to density stocking. Gary asks what the term "basal area" means. Mr. Kenny states there is a Definition in the Watershed Forest Management Plan. Gary asks Mr. Kenny to describe it to him. Mr. Kenny reads the Definition which states "The area of the cross-section of a tree's stem at 4 ½ feet above ground, or breast height, in square feet. The basal area of a forest stand is the sum of the basal areas of the individual trees in the stand". Gary states the number seems small then. Mr. Kenny states he agrees and will check with their Forester about this. Gary states given the number of trees per acre is there any sense of how many trees there are now, which comes back to the question from Cynthia ask to how many trees will be taken down. Mr. Kenny states yes, that information is in the Watershed Forest Management Plan. Mr. Kenny states they will add a line to the Plan about this. Cynthia states we are dealing primarily with Stand 3. Mr. Kenny refers to Page 29 in the Watershed Forest Management Plan whereas it states 403 stems per acre. Gary confirms that will be taken down by 20 percent. Cynthia states she wonders whether there should be a reference to the Watershed Forest Management Plan or whether Mr. Kenny should pull the critical parts of it out and put it on the Site Plan. Cynthia states that Will suggested the latter. Cynthia states anyone who picks up the Site Plan should have a better sense about how many trees and what types of trees are going to be taken down and why. Cynthia states she believes the rest of it follows the Watershed Forest Management Plan, but Mr. Kenny should double check that. Cynthia states at the Public Hearing she would like someone to really describe, in layman's terms, what will be left in the woods as far as the trees. Gary states that is not how the Watershed Forest Management Plan is written. Cynthia states she believe it is or that is the intent. Gary states that might be the intent but it is written so as 100% removal is not proposed, but that means 99% could be. Cynthia states that is correct which is why she would like all of this tightened up. Cynthia states the Watershed Forest Management Plan does a better job of describing what is going to be left. Gary states the official Site Plan is what is going to survive. Cynthia states the way it is written now, two people in the field could decide whether half of the forest will get cut down, because there is no reference to what the Board understands is going to be cut down. Mr. Kenny states the first item referenced 277 to 346 trees per acre. Cynthia states those could be little tiny saplings. Cynthia states we need a better understanding of the types and categories of trees, such as what the Watershed Forest Management Plan describes. Cynthia refers to a description being provided as to what is going to happen to get the trees thinned and the invasives cut. Cynthia refers to the Management Sequence on Plan Sheet 2 of 2 and states Mr. Kenny uses the term Monitoring, but there needs to be a Management and a Construction Sequence and then afterwards we need it monitored. Cynthia states this is actually much tighter and much better, but she isn't sure if the terminology is the way we want it. Cynthia states in year one there will be flagging the area of Stage 3 and part of 1 that will be worked on and that will match the Site Plan, so it should be referenced. Cynthia states the Wetlands Inspector should approve the flagged boundary. Cynthia refers to 1b under the Management Sequence where as it talks about monitoring the management activities as specified in the Project Monitoring Plan. Cynthia states the language should be changed so as to monitor the activities of the Construction or Tree Removal/Vegetation Plan, as that is what would have to be monitored. Mr. Kenny states that is spelled out in the Monitoring Plan. Cynthia states not really, the Monitoring Plan just says that you are going to monitor. Cynthia states this is where she has an issue with the lack of detail. Cynthia states she views a Monitoring Plan to be that after all of the work is done

as described in the Plan, then someone makes sure it stays and is maintained. Mr. Kenny states they are both monitoring, but one is post and one is current. Will asks whether there is a Monitoring Plan. Cynthia refers to the submittal received today and states they received a Forest Management Monitoring Plan, but it only lists five steps. Mr. Kenny states those came right from the Memo from Mr. Bridges. Cynthia states this refers to post monitoring. Mr. Kenny states there will be a Meeting with Mr. Bridges before they get started, and then they will cut the Barberry and meet with him again right after that. Will refers to the five items listed and states aren't they items that are done after the work is done. Mr. Kenny states that is right. Will refers to Item 1b under the Management Sequence and states it doesn't make sense. Mr. Kenny asks if 1b should come out. Will states you would do Item a and Item c, and then Item d is the management, and Item e has to do with the inspections. Will states that the Applicant does the monitoring, not the Wetlands Inspector. Will states after the work is done there will be some type of monitoring analysis and then the inspection would occur after that. Will refers to the Forest Management Monitoring Plan and states he takes No. 1 to be the objective as to what is trying to be achieved, and No. 2 is what the monitoring will assess. Mr. Kenny states he agrees this list is primarily post activities. Mr. Kenny states it is pretty simple, they are going to flag the area with Mr. Bridges, do an assessment, and gather data. Mr. Kenny states they are going to cut the Barberry at that time and have Mr. Bridges come back and reassess it. Mr. Kenny asks whether the Board is looking for something to occur in the interim during the cutting. Will refers to the establishment of the flagged boundaries in conjunction with the erosion control methods. Mr. Kenny states it is their position that since this just involves cutting they will not have erosion controls in the area. Will states he knows, but to the extent that they may be needed, they should be listed. Cynthia asks Mr. Kenny whether the building of the wall and the tree/brush work will be going on at the same time. Cynthia states Mr. Kenny might need a separate sequence list for the wall. Cynthia states Mr. Kenny is going to have to come up with a whole section for the wall. Cynthia states she is not sure if Mr. Kenny should break out the invasive species as one grouping and the trees separately, or mix them up. Mr. Kenny states the idea is to do the shrub layer first. Cynthia states she doesn't care if both go on at the same time, or different times. Cynthia states her point is that they might take different sequential management monitoring. Cynthia talks about Mr. Kenny writing the invasive species sequence as a stand-alone process, and write the tree sequence as a stand-alone process. Cynthia states there may be instances when both processes are being done at the same time and that is fine. Cynthia states the requirements for each may be different. Mr. Kenny states he sees the trees and the Barberry all part of the forest management and the first step will be the removal of the Barberry, and then the tree work. Cynthia states this information is not stated on the Plan Sheet and it has to be stated unless she missed it. Mr. Kenny refers to the Management Sequence. Gary states the information is laid out.

Cynthia asks Mr. Kenny if the herbicide may be applied during the winter. Charlotte states no, there is a temperature limit. Gary refers to the Management Sequence and states he would move 1b down to No. 3 under Long-Term Maintenance and Monitoring. Will states the inspection part still has to be embedded before and after the work is done. Gary states the inspection part is in there. Cynthia states maybe 1b should be a parenthetical after year one that basically says throughout these steps monitoring will be done by Mr. Kenny's office at the times agreed upon with the Wetland Inspector. Will states this monitoring and the report has to occur after the first year and in the second year again. Gary suggests making point 3 read Long-Term Maintenance beyond year one. Will states the set up work is done, and an approval is given, then the work begins and monitoring will be done to show how well the work was done. Will states that work will be reviewed and inspected by the Wetland Inspector and the Building Inspector. After that, adjustments may be done, if needed, to the Plan. Will states when the work is started again the sequence would be repeated. Mr. Kenny states he will adjust Item b and it makes sense to move it to the end of year one. Cynthia states when she read the Watershed Forest Management Plan, when it came to the herbicide for Stand 3 and Stand 1, it mentioned just two applications. Cynthia refers to the Plan and states from what she is reading there may be more than two applications. Cynthia states it was specifically listed that in terms of Stand 1 there would be a light application of the herbicide. Cynthia states she thinks this language could be tightened up a little bit.

Cynthia refers to the area that is redefined as Stand 3 and part of Stand 1 and asks whether the Applicant will be in the RM Zone. Cynthia states it looks like the Applicant moved a little bit into the Peach Lake Zone. Cynthia states it would be helpful for Mr. Kenny to show the original of Stand 3 and Stand 1 so if we do look back at the Watershed Forest Management Plan we will know what areas we are looking at. Cynthia states that will confirm whether the Applicant is in the RM Zone because Joe had very specific comments if that is the case. Cynthia refers to an existing trail and asks whether it will be maintained and mowed. Mr. Kenny states yes that is the intent. Cynthia states that should be stated somewhere. Mr. Kenny shows where it is listed on the Plan. Cynthia states it also has to be listed in the management monitoring in terms of whether it will be a mowed area, grassed area, or mulched area, and the long term maintenance should be somewhere in the Plan. Mr. Kenny states yes, that would be frequency. Will asks Mr. Kenny whether it will be done by a machine or by hand. Mr. Kenny states a walk-behind brush cutter will be used or a weedwacker. Will states that should be listed. Cynthia states also whether it will be maintained with continued mulch should be listed.

Cynthia states the first Watershed Forest Management Plan refers to Best Management Practices which is a term we have been using a lot. Cynthia states she isn't sure if that should be referenced. Cynthia states if Mr. Kenny pulls over all the critical information it should be okay. Cynthia talks about adding language in the Planning Board Resolution that this will all follow the Best Management Practices as outlined by the Watershed Forest Management Plan. Will states he would need three or four bullet points for that.

Cynthia states the Watershed Forest Management Plan talked a lot about the wildlife that is there and when it is good and not good to do work because of wildlife. Cynthia states this brings up the bat issue and asks Mr. Kenny to double check that.

Cynthia asks Mr. Kenny to double check to see whether the machinery that will be used for the invasive plants conforms with what the Plan states, and if there are any limitations in terms of when or when they should not be used in the wetland areas.

Cynthia states Mr. Kenny should create another set of sequencing for the wall.

Cynthia states the Board is following all of these documents, but once it is approved the Plan is the only thing that people will look at and follow. Gary states to Mr. Kenny that the intent is to have a Plan so that the directions are clear and consistent.

Cynthia refers to marking the trees in the field and asks Mr. Kenny if different colored markers will be used, such as what they observed during the Site Walk. Mr. Kenny states yes. Cynthia states that should be referenced so the trees will be clearly marked as to which are coming down and which are being thinned. Charlotte states some people use different colored tape.

Cynthia states the Public Hearing Notice has to be sent out tomorrow, but we also expect that the public may come in and look at the Plans. Cynthia states Mr. Kenny needs to get a revised Site Plan to the Board in advance of the Public Hearing. Cynthia states there are three weeks until the Public Hearing and asks Mr. Kenny if a week is enough time for him to turn around and submit revisions. Mr. Kenny states he believes so. Cynthia states she did prepare the Public Hearing Notice that Mr. Kenny will need to send out to the neighbors. Cynthia states Will took a quick look at it and confirmed it was fine. Cynthia states Dawn will forward the Notice to Mr. Kenny electronically tomorrow. Cynthia states she knows Mr. Kenny obtained the list of neighbors from Karen Futia's Office and she spoke with Karen today about Peach Lake. Cynthia states that Karen communicated with Kayla in Mr. Kenny's Office that a notification has to be added for Peach Lake as an Owner. Cynthia states it is the State of New York, not the DEC. Cynthia states she believes Karen has an address for the State of New York. Cynthia states she also reminded herself that this is a newly designated

inland waterway, so the State Office that oversees it is the Department of State. Cynthia states there should be two notifications going to the State. Cynthia states one to the State as the Owner, and the other to the Department of State. Cynthia states Mr. Kenny may be able to obtain an address off the website if he googles New York State inland waterways. Cynthia states Dawn will tell Mr. Kenny how many parts and pieces we will need for circulation. Cynthia states the basic circulation that we are required to do is to the CAC. Cynthia asks the Board whether they want the circulation to go to any other Agencies. Cynthia states she mentioned the DEP earlier on. Cynthia states they are not a Permitting Agency, but because of Peach Lake, she is concerned. Gary states there is no harm in sending it to them. Mr. Kenny states they reviewed the Watershed Forest Management Plan. Mr. Kenny asks whether the New York State Department of Transportation (DOT) should be notified. Cynthia states we have to talk about that next, in conjunction with the Wall.

Cynthia asks Mr. Kenny to briefly tell the Board what his experience has been with the DOT and tell them which direction he would like to go, and the Board will talk about it. Mr. Kenny states they have been in touch with the DOT in regards to determining the permitting requirements, if any, related to the wall. Cynthia asks Mr. Kenny if his microphone works. Mr. Kenny states it does. Mr. Kenny states they were directed to shift the location of the wall. Cynthia puts the Plan up on the screen. Mr. Kenny refers to the screen and states currently the wall is right on the property line, and the DOT has asked them to shift it five feet off the property line. Mr. Kenny states the drawings that they have submitted show that, which will put them right up against the wetland. Cynthia confirms Mr. Kenny is now showing the wall five feet away from the property line because that is what the DOT wanted him to do. Cynthia asks whether there may still be access from the front. Mr. Kenny states it certainly makes it easier and safer because it will give them a little bit more room. Cynthia confirms with Mr. Kenny that some of the activity will then be in the wetland area. Cynthia asks whether the wall will be in the wetland area or just at it. Mr. Kenny states it will be between 0 and 12 inches within the wall. Cynthia asks where the water ditch is. Mr. Kenny states the survey didn't show it. Mr. Kenny refers to the screen and points it out. Cynthia confirms it is way back and not in the front. Cynthia states at one point Will actually mentioned that having the wall five feet back is not a bad idea because it does give more room for maintenance. Will states this is usually more associated with fences that are stained or painted, and people would rather be standing on their own property. Will states on a street side it is not as important to him versus a shared line with a private property. Will states in a sense the owner is responsible for maintaining the front of the property in the State right of way anyway. Will states it is kind of a double-edged sword. Will states he read the Statue and it does talk about structures separately as opposed to access. Will states the way it is written, it is a "may" or a "should" standard, not mandatory. Will states the DOT may give Mr. Kenny a hard time in regards to the Permit if he doesn't agree to move the wall back. Mr. Kenny states he asked the DOT the basis for their request and they referred him to a Section in their Design Manual. Mr. Kenny states he interpreted it so as to be a requirement. Will states the overall intent is to not have cars and parking along the right of way. Cynthia states if the wall is not on the property line and if people park on the side of the road, they will end up on the owner's property which isn't right. Cynthia states historically this Town is loaded with stone walls and they are all on the property line. Cynthia states it really bothers her, as she would love to see the wall on the property line. Will asks whether moving the wall back will bring it down in regards to grade. Mr. Kenny states it does drop it a foot or two. Mr. Kenny states they will put openings in the wall. Cynthia asks if four feet is the permitted height in a front yard. Mr. Kenny states he isn't sure. Will states he thinks it is four feet. Cynthia states she thinks it is four also, but Mr. Kenny may want to double check it. Cynthia asks Mr. Kenny if his Client is okay with moving the wall back. Mr. Kenny states yes, but they prefer not to. Cynthia asks the Board how they feel. Gary states he is okay with it. Charlotte asks whether the DOT will actually go out there and measure and states the wetlands is only six inches to a foot so why not move it four feet. Mr. Kenny states that may be easier for the DOT to accept. Charlotte states maybe Mr. Kenny could let the DOT know the wall will go into the wetlands by a foot, so maybe they would agree to the wall being moved four feet. Mr. Kenny states the DOT mentioned 15 feet to begin with and he was told they were being nice by only asking for 5 feet. Mr. Kenny states he could let the DOT know that he consulted with the

Planning Board and they prefer he stays outside of the wetlands, which would mean to move the wall four feet back. Will states if the wall is in the wetlands that will change the Army Corp. of Engineering Permit. Mr. Kenny states he looked at that and they are still far under the 5,000 square feet. Will states the nationwide is a pre-notification and the Board is going to want Mr. Kenny to have that.

**Chairwoman motions that the Planning Board set the Public Hearing on the Gizzi Chapter 189 Tree Removal Permit, Chapter 107 Wetlands Permit, and 193 Stormwater Permit Applications for April 6, 2016. Gary Jacobi seconds. All in favor. No opposed.**

After the motion Cynthia confirms with Mr. Kenny that he will have his notifications out tomorrow. Mr. Kenny states they will double check on the Peach Lake Department of State procedure. Will states it is one thing to notify the Department of State but that is not really the process he is familiar with in these areas. Will states he is not as familiar with the inland waterways as he is with the coastal management areas. Will states the Applicant needs to actually obtain a consistency from the Department of State. Cynthia states we don't even have a Plan yet so she doesn't know what any of this means. Will states there may be a State level and if you don't have a Plan you have to follow the State. Will states he will check on that. Will states it is not hard to do, but is more than just a notification. Mr. Kenny states he will reach out to the Department of State also.

Cynthia states to recap, Mr. Kenny will revise the Plan to show the Board the original Stand 3 and Stand 1, and revise the Forest Management Specifications in accordance with what has been discussed tonight, as well as add a wall construction specification to the Site Plan.

**2. Salem Hills Healthcare Center: Mark Halliday (owner – Mokray Acquisition I, LLC)  
Amended Site Development Plan (location – 537 Route 22)**

- Consider Draft Resolution of Approval

Cynthia states a submission came in and she doesn't think Will had time to look at it. Cynthia states basically, looking at the cover sheet, she didn't notice that there were any issues that came up in regards to the comments. Will states he looked at it quickly and states his focus had more to do with comments from Hahn Engineering. Will states the island has been moved which had been discussed. Will states he didn't have anything outstanding, so it is only the Hahn comments, and they need to review the latest Plans. Cynthia states the Board may still consider the Draft Resolution with this as a Condition. Will states he has already filled in the information on his copy in regards to the blanks on the bottom of Page 1 which have to do with the County Notification. Will confirms with Dawn that the County provided their Notification Acknowledgement on March 14<sup>th</sup>. Cynthia states Mark Halliday is here with us tonight and asks him if he had a chance to take a look at the Draft Resolution. Mr. Halliday states yes. Cynthia asks Mr. Halliday if he has any questions. Cynthia asks the Board whether they have any questions. Mr. Halliday states he does not have any questions. Mr. Halliday states he has been working with Dan Gallagher who had been handling everything. Will refers to the latest submission and asks Mr. Halliday if he is representing that it embodied the comments from Hahn Engineering, so the submission may be forwarded to Hahn, or does he need to revisit it. Cynthia states she is pretty sure that is the case, and we will double check with Dan Gallagher. Cynthia asks Dawn whether the Draft Resolution had been sent to Mr. Gallagher. Dawn states yes. Cynthia asks Dawn to let Mr. Gallagher know that the submittal will be sent to Jim Hahn as representative of the Final Plans.

**Chairwoman motions that the Planning Board adopt the Salem Hills Healthcare Center SEQR Negative Declaration, Site Development Plan Approval, and Stormwater Permit Recommendation Resolution of Approval. Gary Jacobi seconds. All in favor. No opposed.**

After the motion Cynthia asks Will to review the latest package as if it were the paper set. Cynthia states once Will signs off on the paper set then we will go to Mylar's. Will asks whether the submittal has gone to Frank yet. Cynthia states she is going to hand deliver it to Frank tomorrow. Cynthia asks Dawn to let Bruce know that the Board granted their Approval tonight because Salem Hills Healthcare Center is under the gun to get everything done.

## **WORK SESSION:**

### **3. Subdivision Regulations or Solar Energy Discussion:**

Cynthia asks Will whether he had a chance to look at the Subdivision Regulations. Will states no. Cynthia states we will carry over that discussion. Cynthia states the Board has started to receive information in regards to solar energy. Cynthia states she went through the Zoning Code and basically there is nothing having to do with solar energy. Gary states that is the case for most Towns. Cynthia states it is timely for the Board to try and work both the Subdivision Regulations and solar energy at the same time. Will asks the Board whether they would like to talk a little bit about it. Cynthia states sure. Will talks about defining solar opportunities and states there are solar farms which have an array of panels on the ground. Will states they could be considered Accessory or Principal Uses. Will states then you have accessory solar facilities which could be on the limited commercial properties that we have as well as on residential properties. Charlotte asks Will if he is talking about panels on roofs. Will states yes, or on the ground. Will states to some extent farms fall into the residential category. Will talks about defining them as Accessory or Principal Uses and define the differences and then what type of permit process you would make for them. Will refers to regulating the farms in a more different way versus someone having panels on their house. Cynthia states to Will when he talks about farms, is he talking about people who would do solar not just for themselves, but doing it as a source of electricity for an area or a region, such as more of a commercial activity. Will refers to something larger in scale such as a non-profit. Cynthia asks if this is what some of the communities are doing in terms of utilities. Will states some might be utilities. Will states a large private school might do it. Will states some people are also doing it for research. Gary states in the Southwest you do see large multi-acre areas of panels. Will states it is coming here too. Charlotte refers to the Millbrook School up the road and states they have a lot of farm land and have dedicated a huge field with panels. Charlotte states they have an arrangement with the power company whereas they sell it and get their energy prices reduced. Cynthia states they sized it to serve their own facilities and more in order to sell it back. Will states for the Board it has to do with larger structures that cover the ground and someone could clear in order to do it. Will states he doesn't know whether there will be a call for it around here. Will states there are a lot of farms, so you never know. Charlotte states there is a company going around right now hitting all the barns in Town that have indoor rings to try and sell them solar panels on their roofs. Cynthia states the only thing our Zoning talks about has to do with solar on roofs. Cynthia states she knows Bruce just allowed one home in Town to have panels in a field. Cynthia states her problem with the Zoning Code is that Accessory Uses as of right is where you would expect to see accessory structures and nobody lists the items such as generators, air conditions, and solar panels. Cynthia states if it is not listed it is not supposed to be allowed. Cynthia states we really need to fix that. Will states there may be language there that gives it a little bit more openness. Cynthia states probably in terms of generators and air conditions, but not a field of solar. Will states it is different when it has to do with a few panels to serve a house versus something larger. Cynthia states this takes a lot of square footage. Cynthia states she doesn't have a problem with it so long as it doesn't affect the rest of the Town. Will states the Board could get into the level of placement from a visual and historic perspective. Cynthia asks Will whether the Comprehensive Plan needs to be revisited if we are going to go beyond the scope of property owners supplying their own energy. Will states no. Will states he thinks the Comprehensive Plan already has something in it about green technology. Will states it may not have specific language in terms of what to do with solar panels. Will states the Comprehensive Plan does talk about cultural patterns and protection of historic areas. Will states

obviously having solar panels on top of historic buildings, isn't in keeping with historic patterns. Cynthia states the Comprehensive Plan does talk about doing more green technology. Cynthia states she thinks the Board has to start the conversation and try to get a handle on how big the panels could be and how they could or could not be regulated. Cynthia states the first step is to do it for residences and commercial properties who are interested in doing their own solar energy. Cynthia states that would be the first goal. Cynthia states after that we could look at going further. Cynthia states maybe some of the other Towns are doing something. Cynthia states she will look into this over the next few weeks to see if any of the other Towns are already starting to pull something together. Cynthia states to Will to let the Board know if he knows about Towns in Connecticut that he may do work for. Gary states we probably should include windmills. Charlotte states yes, that would basically be alternative energy. Cynthia asks at what point does it become a public utility and fit into that category. Will states they are never a public utility, as they are selling the energy to the public utility. Will states a public utility would have to be someone like Con Edison. Cynthia states all of a sudden the telephone poles came and that is because providing telephone service is a public utility, but they are all private. Cynthia states the Fed's made it a public utility. Cynthia asks whether any of the solar companies are becoming public utilities. Will states not that he is aware of, maybe out West. Cynthia asks whether it takes New York to do that or the Fed's to make them be a public utility. Gary states it has to be recommended by the State. Gary states Nevada is doing a lot of interesting work in regards to solar power in terms of what may be done, where, and how. Gary states the local utility company, Nevada Power and Light is not very happy with some of this because they are being forced to buy the power. Gary states he agrees with Cynthia in that we probably won't need something this month or this year, but one of these days, as the solar panels get better and more efficient, it is not something that is out of the question. Gary refers to where he lives and talks about utilizing two acres in order to set up 10,000 square feet of panels. Cynthia states people are looking at it. Cynthia states she is looking at it to heat her pool. Cynthia states she has received phone calls from people in the Mid-west wanting to know what our regulations are because they are interested in talking to us. Gary states what will kill it is if they take the tax subsidy away from it. Cynthia states Charlotte just mentioned that people who have barns are being approached. Will states in Connecticut there are a lot of programs with communities. Will states they are giving another incentive above the tax incentive. Will states there are quite a few houses that have added panels to their roof due to these programs in the last year or so. Will states some of the panels are look good and some don't belong. Will states some of the panels work with the facility because they are not in your face whereas in other instances the panels are totally visible. Gary states the panels have to be on a southern exposure which could make them a lot uglier. Charlotte states the real issue are the fields filled with panels. Charlotte states she has been driving up to Burlington Vermont a lot because her son Jack is in school up there. Charlotte refers to going up Route 7 and states all of the farms have solar fields. Cynthia states when she was in Europe there was a parking lot for a big commercial building. Cynthia states it was a very hot and sunny place. Cynthia states at first she thought there were screens to keep the cars in the shade, and then she realized they were solar panels that people parked their cars under. Will states there are differences in the panels such as the coloring. Will states there are black panels. Will refers to what you can do to make them more seamless. Will states without some type of regulation you are at the whim of whatever people want to do. Cynthia states she thinks it would be nice to get a sense of how many panels it takes to provide energy for a four bedroom house. Cynthia refers to how much square footage would be needed for a barn. Will states the panels will mostly fill the roof. Gary states yes, the southern portion of the roof. Cynthia refers to panels going on the ground in terms of the square footage that would be asked for. Gary states the people will ask for as much room as they have because whatever they produce they will turn around and sell. Cynthia states unless we have regulations that state the primary purpose is for the accessory use. Gary states he doesn't know whether we can do that. Cynthia states she doesn't either. Gary states there might be State and or Federal restrictions just like they have with cell towers. Cynthia asks why we would allow someone to do 40,000 square feet and states it will become a commercial use, rather than doing 10,000 square feet for their house. Gary states the government may say it has to be approved unless there is a health reason not to. Gary states just like for cell towers, they may not be turned down for aesthetic reasons. Will

talks about having a classification as an Accessory Use to a house then it cannot go beyond the house. Cynthia states the intent was to purpose it for an individual house, not to deliberately double the size. Will states he thinks some of the utilities are self-regulating this. Will states in Connecticut the utility company will not let someone have a larger size than they need. Gary states utilities don't like this. Charlotte states they don't have the control. Cynthia states if nothing else, we should look at how high the panels could go, as structures may go up to 35 feet. Cynthia asks the Board whether they would like to see panels in a field that are 35 feet high. Charlotte states they are big. Gary states if someone were building them they would like them to be higher. Will refers to roofs and states depending on the pitch of them the character of the house could be changed. Cynthia refers to the way the Code is written and talks about only regulating historic homes or Site Plans for multi-family homes. Cynthia states we need to gather more information on this. Cynthia states if any of the Board Members see anything about this, please pass it along. Gary states most of it is coming out of the Southwest because that is where the panels are going up hot and heavy. Cynthia states there is a big movement in Westchester. Will states there are a bunch of companies that are doing the installations and they are trying to make a living and pushing everywhere. Will states he thinks it is a good thing.

#### **4. Salem Golf Club:**

- Driveway Paving Discussion

Cynthia states this might be something she should go over with Will. Cynthia asks whether the specifications that were sent to the Board are for the impermeable surface. Will states that is what it looks like. Cynthia states she believes we should send this to Hahn. Dawn states she believes Salem Golf Club wanted clarification. Will refers to the handout and asks where the example is. Cynthia states she thought they were talking about the driveway, but this is the parking lot. Gary states the brochure talks about using it for a parking lot. It kind of implies that it is not meant to be for cars going back and forth at 40 miles per hour. Cynthia states she will speak with Frank to see if this is part of what has already been approved or a modification and we will go from there. Cynthia states there is a new Manager at Salem Golf Club so a lot of this is new to him. Charlotte asks what happened to Todd Zorn. Cynthia states he moved on to another facility.

#### **5. Next Meetings:**

- Regular Meeting – April 6, 2016.
- Work Session – April 20, 2016

#### **6. Resolution:**

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