



Town of Union Vale Planning Board

*Town of Union Vale Town Hall
249 Duncan Road
Lagrangeville, NY 12540*

**Regular Meeting Agenda
November 9th 2023 7:30 P.M.**

Planning Board Members:

Chairman: Pat Cartalemi, Members: Scott Kiniry, Alain Natchev,
Katherine Saglibene, Michael Mostachetti, Anita Fina Kiewra & Larry Knapp

I. CALL TO ORDER / DETERMINATION OF QUORUM

II. BUSINESS SESSION

- Review the agenda
- Hold over October meeting minutes

III. CORRESPONDENCE

- Letter from Nan Stolzenburg- Community Planning & Environmental Associates dated November 6th 2023 regarding Bonavenia application.
- Letter From Thomas Harvey- Renna Engineering Designs dated November 9th 2023 regarding Bonavenia application.

IV. PUBLIC HEARING

PROJECT NAME

Orlando Grount Mounted Solar Special Use Permit

Owner: Caitlin Orlando
Applicant: Plug PV- Chelsea Breen
Location: 17 Breezy Hill Dr, Wingdale NY
Parcel: 6960-00-113040

PROJECT DETAILS

Application for the installation of a 20.8 kw ground mounted solar array in the RA-3 zone

Meeting # 3

PROJECT NAME

Kaplan/Rouse Lot Consolidation

Owner/ Applicant: Robert Rouse & Ellyn Kaplan
Attorney: Shawn Borrelli Pratt Esq.
Location: 180 Brush Hill & Camby Road
Parcel(s): 6862-00-469757, 6862-00-455830,
6862-00-511796, 6862-00-549788

PROJECT DETAILS

Application of the consolidation of four lots into one 40.743-acre lot on the corner of Brush Hill Rd & Camby Rd in RA-3 Zone

Meeting # 2

V. REGULAR SESSION / OLD BUSINESS

None

VI. REGULAR SESSION / NEW BUSINESS

PROJECT NAME

Faillace Grount Mounted Solar Special Use Permit

Owner: David Faillace
Applicant: Plug PV- Chelsea Breen
Location: 5 McCourt Road, Lagrangeville NY
Parcel: 6861-00-890662

PROJECT DETAILS

Application for the installation of 555 sqft ground mounted solar array in the RD-10 zone.

Approvals needed:

- Special Use Permit
- Certificate of visual compatibility

Meeting # 1

PROJECT NAME

Bonavenia Enterprises

Owner/ applicant: Bonavenia Enterprises/
Laurie Bonavenia
Engineer: Day Stokosa Engineering
Location: E. Noxon Rd & Clapp Hill Rd
Parcel: 6660-00-437115

PROJECT DETAILS

Review of a conservation subdivision of a 45.83-acre lot located in the TC district. 48 townhomes in a grid style, 3 additional single-family homes along Clapp Hill Road, with the pre-existing commercial space to the south. Approvals needed:

- Major Subdivision
- Special Use Permit- Subdivision
- Site Plan Review

Meeting # 1

PROJECT NAME

Ferris Subdivision Chestnut Ridge Road

Owner/ applicant: Robert Ferris
Engineer: Day Stokosa Engineering
Location: Chestnut Ridge Road
Parcel: 6862-00-850200 & 6862-00-829083

PROJECT DETAILS

Application to subdivide 2 existing undeveloped lots in the RD10 Zone into 4 residential lots. Approvals needed:

- Minor Subdivision
- Special Use Permit- Subdivision

Meeting # 1

VII.

OTHER BUSINESS

None

VIII.

ADJOURNMENT

- **NEXT DEADLINE: November 30th 2023** (by Noon)
- **NEXT MEETING: December 14th 2023**



Town of Union Vale Planning Board
Town of Union Vale Town Hall
249 Duncan Road
Lagrangeville, NY 12540
UNION VALE PLANNING BOARD
Minutes of the Regular Meeting 7:30 pm
November 9th 2023

Members Present: Chairperson Pat Cartalemi, Members: Anita Fina Kiewra, Scott Kiniry, Michael Mostachetti, Alain Natchev, Kaye Saglibene & Larry Knapp

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Cartalemi determined that there was a quorum for the Planning Board (“The Board”) to conduct business and called the meeting to order.

BUSINESS SESSION

The Board held over the October meeting minutes.

CORRESPONDENCE

- Letter from Nan Stolzenburg- Community Planning & Environmental Associates dated November 6th 2023 regarding Bonavenia application.
- Letter from Thomas Harvey- Renna Engineering Designs dated November 9th 2023 regarding Bonavenia application.

PUBLIC HEARING

PROJECT NAME

PROJECT DETAILS

- **Orlando Ground Mounted Solar Special Use Permit**
Owner: Caitlin Orlando
Applicant: Plug PV- Chelsea Breen
Location: 17 Breezy Hill Dr, Wingdale NY 12594
Parcel: 6960-00-113040

- Application for the installation of a 20.8 kw ground mounted solar array in the RA-3 zone

Meeting # 3

Chairperson Cartalemi made a motion to open the public hearing, unanimously accepted by the board.

Chairperson Cartalemi asked if anyone from the public had a comment or concern about the application. Mr. Robert Hausler of 2848 Pleasant Ridge Rd Wingdale, NY indicated that he owns the property to the rear of the Orlando home. Mr. Hausler provided a photo, and expressed his concern that the placement of the proposed panels will be directly in his view from his back window. He commented that there is not currently adequate screening on that part of the property and is concerned the panels will be an eyesore from his home. With no other public comments, Chairperson Cartalemi closed the public hearing.

The Board discussed the screening options with the applicants representative Mr. Rose, stating that due to the concerns of the neighbor, it will be necessary to provide a screening plan along the rear and also the sides of the panels, to screen from the road and other neighbors. The board stated that at the last meeting they had indicated to the applicant that it was advisable to submit a screening plan, to avoid delay, which was not provided at this time. Member Fina Kiewra commented that the plan should include a layout and species of plantings that will not take a long time to grow, and will provide immediate screening from the rear & sides of the panels. The representative Mr. Rose expressed his disagreement that the panels needed to be screened, however the board agreed unanimously that in order to approve the application moving forward they would need to review a screening plan.

Chairman Cartalemi asked the board if they had any questions or comments, with none the Chairman made a motion, which was passed unanimously by the Board, to **hold over the public hearing until the next monthly meeting.**

PROJECT NAME

Kaplan/Rouse Lot Consolidation
Owner/ Applicant: Robert Rouse & Ellyn Kaplan
Attorney: Shawn Borrelli Pratt Esq.
Location: 180 Brush Hill & Camby Road Parcel(s):
6862-00-469757, 6862-00-455830, 6862-00-
511796, 6862-00-549788

PROJECT DETAILS

Application of the consolidation of four lots into one 40.743-acre lot on the corner of Brush Hill Rd & Camby Rd in RA-3 Zone

Meeting # 2

Chairperson Cartalemi made a motion to open the public hearing, unanimously accepted by the board.

Ms. Shawn Pratt, attorney for the application gave a brief overview of the proposed lot consolidation. She explained the intention is to combine all four lots into one parcel.

Chairperson Cartalemi asked if anyone from the public had a comment or concern about the application.

Chairman Cartalemi asked the board if they had any questions or comments, with none the Chairman offered the following resolution, unanimously approved by the Board titled:

KAPLAN/ROUSE RESOLUTION
SPECIAL USE PERMIT
LOT LINE CONSOLIDATION

REGULAR SESSION / NEW BUSINESS

PROJECT NAME

Faillace Ground Mounted Solar Special Use Permit
Owner: David Faillace
Applicant: Plug PV- Chelsea Breen
Location: 5 McCourt Road, Lagrangeville NY
Parcel: 6861-00-890662

PROJECT DETAILS

Application for the installation of 555 sqft ground mounted solar array in the RD-10 zone.
Approvals needed:
• Special Use Permit
• Certificate of visual compatibility

Meeting # 1

Mr. Nicholas Azadian, representative for the application gave a brief description of the proposed ground mounted solar panels. There was a discussion about the location of the panels, which will be in the rear, there are no setback issues, also the elevation of the property is very high, however the property is located off a private road and there are no immediate neighbors.

The board advised the applicant to make sure that there will be no visibility approaching the location. The height of the panels indicate they will be taller than the 12' maximum. The board recommended the applicant adjust the plan to indicate the 12' height maximum requirement, and also to submit supporting photos of the location of the proposed panels. The matter was adjourned.

PROJECT NAME

Bonavenia Enterprises

Owner/ applicant: Bonavenia Enterprises/
Laurie Bonavenia
Engineer: Day Stokosa Engineering
Location: E. Noxon Rd & Clapp Hill Rd
Parcel: 6660-00-437115

PROJECT DETAILS

Review of a conservation subdivision of a 45.83-acre lot located in the TC district. 48 townhomes in a grid style, 3 additional single-family homes along Clapp Hill Road, with the pre-existing commercial space to the south. Approvals needed:
• Major Subdivision
• Special Use Permit- Subdivision
• Site Plan Review

Meeting # 1

Mr. Brian Watts representative from Day Stokosa Engineering presented the application. Mr. Watts showed the layout and location of the plan, which indicate 48-unit two-bedroom townhouses with a grid style pattern with garages in the front, and green backyards. It will have a boulevard style road with a two-lane street for access. There will be a center green for walking trails, open recreation space and property lighting fixtures. He continued to describe that there will be a gated access road used for the water tower located off Clapp Hill Road, which may also be used as an emergency fire exit, but not used for a regular means of access. There will also be visitor parking areas, landscaping screening around the stormwater retention areas. To the south of the property there will be an additional 3 lot subdivision for single-family dwellings which will not be involved in the Townhome homeowner’s association.

There was a discussion that there would have to also be a central post office area.

Chairperson Cartalemi commented that as per the report given by the Town Planner Nan Stolzenburg, the most recent plan submitted does fit within the design of the TC district, he continued that there would need to be some additional details added, but the overall concept is good.

The Board also discussed one of the individual parcels was very close to the wetland area, and that may need some modification.

Chairperson Cartalemi stated the application will be referred to the CAC for review.

Chairperson Cartalemi asked if anyone from the board had any comments or questions, with none the application was adjourned.

PROJECT NAME

Ferris Subdivision Chestnut Ridge Road

Owner/ applicant: Robert Ferris
Engineer: Day Stokosa Engineering
Location: Chestnut Ridge Road
Parcel: 6862-00-850200 & 6862-00-829083

PROJECT DETAILS

Application to subdivide 2 existing undeveloped lots in the RD10 Zone into 4 residential lots. Approvals needed:
• Minor Subdivision
• Special Use Permit- Subdivision

Meeting # 1

Brian Watts, representative from Day Stokosa Engineering gave a description of the subdivision. Mr. Watts explained it would be a 4-lot subdivision from 2 lots with one flag lot, and two lots with a common driveway.

There was a discussion about some of the challenges such as the power lines that must be passed to get to the rear portions of two of the lots, and line of sight on the county road, as it is on a sharp turn. The board also discussed that if a shared driveway is proposed it changes the application from a minor subdivision to a major subdivision and would have to adhere to those requirements such as a conservation subdivision.

Mr. Watts stated they are awaiting the site distance report to see if any changes can be made with the driveways.

Chairperson Cartalemi asked if anyone from the board had any comments or questions, with none the application was adjourned.

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Cartalemi and unanimously accepted by the Board, to adjourn the meeting at 8:55 PM.

The next regular/public meeting of the Planning Board is scheduled for **Thursday December 14th 2023** the agenda will close on **November 30th 2023 at 12:00 Noon**. Items for consideration at the **December** meeting must be received by that date.

RENNIA ENGINEERING DESIGN, PLLC

CIVIL ▪ ENVIRONMENTAL ▪ STRUCTURAL

6 Dover Village Plaza, Suite 5, P.O. Box 400, Dover Plains, NY 12522
Tel: (845) 877-0555 Fax: (845) 877-0556

November 9, 2023

Town of Union Vale
249 Duncan Road
Lagrangeville, NY 12540

Attn: Mr. Pat Cartalemi, Planning Board Chairman

**Re: Town of Union Vale
Bonavenia Enterprises LLC Major Mixed-Use Subdivision, Special Use Permit &
Site Plan
797-805 Clapp Hill Road
Parcel #135400-6660-00-437115**

Dear Mr. Cartalemi and Planning Board members,

Pursuant to your request, we have reviewed the following documents submitted in support of the above referenced project:

- Subdivision, Site Plan and Special Use Permit Applications, dated September 28, 2023
- Ag Data Statement
- Threatened & Endangered Species Habitat Suitability Assessment Report, dated July 28, 2023. by Ecological Solutions
- 9-sheet drawing set entitled Bonavenia Enterprises LLC Site Analysis Map, dated 7/23/2023, last revised 10/26/2023, prepared by Day/Stokosa Engineering PC

The applicant is proposing a mixed-use conservation subdivision, which is also subject to a special use permit and site plan approval. The project is located in the Town Center (TC) and is proposed to consist of 48-multi-family Townhouses, 3-single family residential lots, 1-pre-existing non-confirming commercial lot and 1-water treatment parcel, for a total of 53 units. The plan included a density calculation of 89.5 units, based on 0.5 units per acre on 44.75 acres.

The proposed Townhouses are shown to consist of four (4) 12-unit Townhouses buildings, each on their own parcel, with an individual on site wastewater disposal area and a central water supply system intended to supply all of the Townhouses. Each of the apartment parcels includes road frontage, but are proposed to be accessed from 1-shared road from East Noxon Road (CR#21).

Outside Agency Regulatory Approvals Required:

- 1) The approval of the Dutchess County Department of Behavioral and Community Health (DCDBCH) for the public water supply and wastewater disposal systems will be required.
- 2) The wastewater disposal systems will also require NYSDEC wastewater SPDES permit coverage.

**Re: Town of Union Vale
Bonavenia Enterprises LLC Major Subdivision, Special Use Permit & Site Plan
797-805 Clapp Hill Road**

- 3) Since the project will disturb 5-acres or more of land, a Full Stormwater Pollution Prevention Plan (SWPPP) which includes post-construction stormwater management practices will be required, in accordance with NYSDEC GP-0-20-001. The application is also proposing to disturb greater than 5-acres at one time, which can be permitted by the MS4, if the following minimum requirements are met:
 - a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of NYSDEC SPDES General Permit GP-0-20-001 every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
 - b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
 - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
 - d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.
 - e. The *owner or operator* shall include the requirements above in their SWPPP. If the Town MS4 wishes to consider approving this waiver, additional notes regarding increased inspections and stabilization are required. Please provide justification as to why a 5-acre disturbance waiver is needed, and explore viable alternatives (i.e. construction phasing plan).
- 4) The proposed access road from County Route 21 (East Noxon Road) will require approvals and permitting from the Dutchess County Department of Public Works.
- 5) The proposed entrances from Clapp Hill Road will require Town of Union Vale Driveway Permits.
- 6) Given the proximity to the County Road, a 239m referral will be required for the project.
- 7) The proposed HOA documents will ultimately require approval from the State Attorney General's Office.

General Comments:

- 8) A bulk table of zoning requirements and proposed values should be included on the plans.
- 9) While the applicant's engineer has correctly indicated that the fire code requires a 26-foot-wide fire access road, we have seen instances where both the code official and the fire district agree, it could be reduced to 20-feet, with pull offs totaling 26-feet at certain intervals. The Road configuration, (whether it be a dead end or loop road) and the inclusion of fire suppression systems often contribute to a determination on this matter, as well, so it should be identified if fire suppression systems are proposed, as part of the project.

**Re: Town of Union Vale
Bonavenia Enterprises LLC Major Subdivision, Special Use Permit & Site Plan
797-805 Clapp Hill Road**

- 10) Although the plans acknowledge the required elements (a through n) for the conservation analysis, significant additional information (in the form of a report) will be required to study the elements and identify the conservation value of the various aspects of the site. This conservation analysis is likely to require additional reports to support the conservation findings and support the conservation subdivision. (Some of the supporting reports recommended for the project are as follows: traffic impact study, wetlands/waterways and endangered/threatened/rare species report, visual impacts report, stormwater report, site soils report, floodplain analysis, conformance to the zoning regulations for the respective zoning district, study of impacts to any sensitive archaeological or historical resources, study of water & wastewater impacts and also addressing aquifer protection.)
- 11) A lighting plan for the Townhouse parcels is provided, but it should be updated to show the light levels to support the site plan approval.

EAF

- 1) Although a short EAF was previously provided, given the scope of the project, a full EAF should be completed and provided.

Please do not hesitate to contact me with any questions, (845) 877-0555.

Sincerely,



Thomas Harvey
Project Engineer

Cc: James Nelson, Esq. (via email)
George Kolb, CEO (via email)
Richard A Renna, P.E., Principal Renna Engineering Design



Community Planning and Environmental Associates

152 Stolzenburg Road, Berne, NY 12023

518-248-8542 • planningbetterplaces.com

Memo

To: Town of Union Vale Planning Board

From: Nan Stolzenburg FAICP CEP

Re: Review of Bonavenia Enterprises (Townhouse Development Special Use/Site Plan Application)

Date: November 6, 2023

Nan C. Stolzenburg

I have reviewed submission for the Bonavenia Enterprises application, including a Day/Stokosa letter dated 10/26/23, civil site plans as revised 9/27/23 and elevation drawings showing proposed buildings dated 10/25/23.

I offer the following comments for the Planning Board consideration:

1. For the three lots to be created along Clapp Hill Road:
 - a. Note that the 100' wetland buffer is shown extending into each of the lots. No building envelope (area of disturbance) should extend into the buffer. I recommend that the subdivision plat show not just the house site, but the building envelope to ensure house, driveway, and disturbed areas are outside the buffer area. Each lot shows wetland buffer that will need to be maintained as undisturbed area.
 - b. As required by 210-22, no more than 25% of the minimum lot area can be fulfilled with wetlands (75% and all setbacks must be outside the wetland). Lot 2 may be problematic in that there doesn't appear to be enough room for the building to be placed outside the buffer. It could be moved forward and moved to the southeast corner of that lot and use of the conservation subdivision allows flexibility to establish building lot locations to best conserve environmental features, so it is feasible to move that house site closer to the road to preserve that buffer. I recommend a detailed evaluation of the buildability of Lot 2.
2. Interior Roads and Parking:
 - a. The plans shown have a private road having a 26' pavement width. Note that Town highway specifications for private, rural subdivision roads require 20' of pavement with a 45' right-of-way. The width of the new road in the TC district was specifically changed to have smaller, low volume roads. I believe 26' is way too wide. I also understand this is in conflict with the State Fire Code. This will have to be researched with the CEO and Town Attorney to determine how to address this conflict in dimensions. I strongly recommend reduction of the pavement width. If there is any flexibility to reduce to the zoning's 20',

perhaps adding a wider turning radii at corners may allow for enough room for fire trucks. This will need additional evaluation.

- b. The Town of Union Vale requires a 45' Right of Way on private, subdivision roads. It does not appear as if this proposed layout meets that requirement. The sidewalk, street trees, light poles, and utilities would be located in this Right-of-Way and that ROW needs to be shown on the plans and accommodated in the site design. If this 45' ROW is not waived or varied, then perhaps the entire development could be spread south to accommodate for this ROW need. See also 210-19 for modification of right of way.
 - c. Is the street network proposed to be one way? If so, that should be labeled. And if so, that makes for an even stronger case that a 26' wide road is over-built.
 - d. Sheet 2 includes a label "*one way rear driveway access*" (on the left) and the arrow points to the landscaped/stormwater area alongside a building. This does not make sense and I am wondering if this is a holdover from the previous layout. If this is accurate however, then there is more explanation needed as to what this is and why it is pointing to a landscape/stormwater management area.
 - e. The additional visitor parking area shown between the two sets of townhouses in the northern section of the development should be moved north so that the cars are not parked in the sidewalk area. There is room to move that inwards.
 - f. Will there be snow storage and removal areas? These should be shown.
 - g. Note that 210-37 establishes parking lot landscaping rules. The parking lot between the two northernmost units needs additional landscaping of shrubs or perennials to improve the aesthetics of that feature.
 - h. This development has a one way in and one way out circulation pattern. While this is a beneficial design in many ways, it does pose questions about emergency access. This should be discussed with the local fire/emergency departments for adequacy. If an emergency access is needed, perhaps the maintenance road shown from Clapp Hill Road to the pump/well could be generally improved, but not paved, to provide another emergency access to the interior.
 - i. The Planning Board should ensure that all County and Town highway curb cut/driveway permits, and permit requirements are met before final approval.
3. Landscaping
- a. Some, but not all sheets show a fence along the western boundary of the parcel. Is that an existing fence, a planned fence, what type of fence, and what are the dimensions? This is not on the legend, and it is unclear if this is planned or existing.
 - b. The undeveloped space between the backyards of the townhouse buildings does not show either landscaping or treatment of any kind. Will this be grass? Will there be fences? Will there be landscaping? This should be detailed.
 - c. The TC Design Standards specifically call for large, deciduous trees. There are no shade/deciduous trees such as oak or maple planted in the planting strip between the street and sidewalk, yet the TC landscape standards indicate that is where street trees should be. Sidewalks are to be 5' with a 4' planting strip with 1 large, deciduous tree per 35' of linear road frontage in that planting strip. Landscaping along the boulevard and northern side of the townhouse buildings (closest to Noxon Road) use white pine and

Norway spruce – neither of which are deciduous. I recommend addition of more deciduous street trees to the landscape plan.

- d. There are no foundation plantings around the buildings shown.
 - e. Will there be any landscaping offered in the front yards of any of these buildings? I recommend that be added to improve those grassy areas shown.
 - f. The center green area is great, but can be improved with shade trees, a path or sidewalk to get from one end to the other, and amenities that would improve this development to promote interaction among residents. This should include park benches, picnic tables, gazebo, pedestrian level lighting, and even amenities such as a small children's playground, or a basketball hoop.
 - g. The Plan does not address landscape treatment of the remainder of the disturbed area outside of the conservation areas. What are the landscape plans here? Will this be mowed grass? Meadow? Left alone to revegetate naturally? This needs to be articulated on the landscape plan. If planned to be grass, I recommend instead planting a pollinator-friendly seed mix that would be a meadow habitat to attract birds and insects, and then mowed once per year in the fall to maintain that meadow habitat. Either way, this needs to be articulated.
 - h. I recommend a detailed operations and maintenance plan be developed to go hand in hand with the HOA documents to show required maintenance of all landscape improvements.
 - i. Are there any abutting properties needing buffering? The Planning Board should ask this question and include this in the landscaping plan if needed.
 - j. In addition to the recommendations for improved amenities in the center green area, the plan should show trails/pathways into and through the open space connecting to the pathways. The plans should specify materials to be used such as gravel, stone dust, asphalt, etc. I do not recommend use of wood chips as those are not safe biking surfaces.
 - k. The three single family houses are part of this subdivision and thus should also have access to the preserved open space via trail and pathways. I recommend this be added to the plans.
 - l. There may be need/desire to put other benches in a few locations for people to sit – especially along any trail/pathway, and in the center green area.
4. Will there be a development sign provided? If so, where, what dimensions, and design?
 5. At the previous meeting, it was discussed that there would not be a central mailbox and that mail will be delivered to each unit. However, it has been my experience in other locations, that the Post Office requires a central mailbox, rather than delivery to each unit. These rules need to be checked out and if so, required by the Post Office, a central location for mailboxes created and shown on the plan.
 6. Ensure that light pole heights meet design regulations. Zoning indicates that a maximum of 12' pole can be used for pedestrian lighting, and 18' for area lighting. The plans show use of a 15' pole. It is unclear as to whether those are considered pedestrian or area lighting poles?

7. The buildings are proposed to be 3,750 square feet, yet the TC Design Standards establish a square footage maximum of 2,500. This will need to be addressed via a redesign, waiver, or variance.
8. A SWPPP, and a grading plan will need to be provided and then reviewed by the TDE. Note that sometimes when the SWPPP and grading plan are done, some other site elements are required or required to be moved, so the siting may change as those plans evolve.
9. HOA.
 - a. The zoning establishes that an HOA is a suitable entity to own and maintain the open space in this development. However, a conservation easement is technically only able to be held by a conservation organization or the Town. Therefore, these areas are probably not going to be protected via a conservation easement, but the Planning Board should talk to the Town Attorney about that. A deed restriction and inclusion of the preserved open space map into the HOA incorporation and operation may be enough. Either way, the Town will need both assurances these areas will be maintained as open space, and ability for the CEO to enforce that requirement over time.
 - b. Note that the zoning requires that the HOA be incorporated prior to final approval of the development. The Town, with assistance from the Town Attorney, will need to carefully review the HOA agreement and operation to ensure it adequately addresses maintenance of roads, infrastructure, landscaping, amenities, etc. And note too that all owners of units within the development must participate in the HOA.