



# TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
Jeremy Samuelson  
Director

Telephone (631) 324-2178

## ARCHITECTURAL REVIEW BOARD EVALUATION

Wainscott MTS Holdings, LLC  
45 Wainscott Hollow Road, Wainscott  
SCTM#300-196-01-023

Prepared by: Daniel T. Gross *DTG*  
Planner *TVL*

Date: June 15, 2023

### 1. APPLICATION INFORMATION

#### A. INFORMATION RECEIVED:

- Survey prepared by Saskas Surveying dated last revised April 14, 2023
- Architectural Plans prepared by Raymond Renault Architect, dated last revised April 19, 2023, including site plan (A001 – A002), floor plans (A100 – A103), elevations (A200 – A201), renderings (A202), and light specifications.
- Revised Renderings prepared by Raymond Renault Architect, dated last revised June 13, 2023.

**B. DATE SUBMITTED:** April 20, 2023

**C. OWNER:** Wainscott MTS Holdings, LLC

**D. APPLICANT/AGENT:** Daniel B. Scotti Design and Development LLC

**E. SCHOOL DISTRICT:** Wainscott

**F. STREET NAME:** Wainscott Hollow Road

**G. TYPE OF STREET:** Town

**H. ZONING DISTRICT:** A5: Residence

**I. OTHER REVIEW:**

**J. MOST RECENT CERTIFICATE OF OCCUPANCY:** None

**K. DESCRIPTION OF EXISTING STRUCTURES:** None

**L. DESCRIPTION OF PROPOSED STRUCTURES:**

- a. Single family residence: GFA 7359 sq. ft.
- b. Pool cabana: 27 ft. 1.5 in. X 34 ft. 3 in.
- c. Pool: 18 ft. x 35 ft.
- d. Spa: 8 ft. x 10 ft.
- e. Pool/Spa terrace: 63 ft. x 50 ft.
- f. Other Terrace/ Patios: features shown on plans

g. Tennis Court: 117 ft. x 55 ft.

**M. DIMENSIONS OF PROPOSED STRUCTURES:** see above.

**N. HEIGHT OF PROPOSED STRUCTURES:**

- Single family residence: 32 ft.
- Pool Cabana: 17 ft.
- Pool: N/A
- Spa: N/A
- Pool/Spa Terrace: N/A
- Terrace/Patios: N/A
- Tennis Court: N/A

**O. DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** See discussion below.

**Other Background Information:**

Application is made to construct a new single-family residence with pool cabana, pool, spa, Pool/Spa terrace, terrace/patios, and a tennis court at the subject property which is currently vacant. The proposed project on Wainscott Hollow Road in Wainscott is located in the A5 Residence zoning district and is within the Agricultural Overlay District. The lot was created as part of the 55 Wainscott Hollow LLC subdivision and was referred to as “Lot 6” in that project (see attached approved map from the original subdivision and Planning Board resolution approving the final subdivision dated January 25, 2017).

**Issues:**

**Mass and Scale**

The site is a flag lot however may be readily visible from public vantage points on Wainscott Hollow Road due to the presence of agricultural land surrounding the location. The site will also be visible from adjacent farmland and residential homes to the north and east.

As proposed, the property complies with permitted lot and total coverage requirements. The Total Lot Coverage being just below the maximum permitted (proposed is 23, 967 sq. ft. and maximum is 24,000 sq. ft.). The proposed single-family residence GFA shown in the site plan (A001) is approximately 241 sq. ft. lower than that which would be allowed per the residential dimensional regulations (maximum size would be 7600 sq. ft. and proposed is 7359 sq. ft.) Regarding height, the proposed single-family residence height (32 ft.) is the maximum height permitted for a gabled roof of 32 ft.

**Subdivision Conditions**

The 55 Wainscott Hollow LLC subdivision that created this tax lot included requirements to serve the development overall and specific requirements for some of the sites. The ARB recently reviewed an adjacent parcel that is also subject to these same requirements.

It is noted that as of May 25 of this year, the subdivision has not yet received Planning Board final approval for a CO because specific conditions within the Planning Board’s approval have not yet been met. Specific subdivision conditions will need to be met before lots in the subdivision can receive a CO.

The following summarizes the conditions applicable to the overall subdivision that impact proposed development on the project site (Note: text from the subdivision approval is italicized below but has been truncated.) The numbering of the requirements is consistent with the numbering in the original subdivision approval attached.

- Requirement 11: *The applicant shall install public water to serve the lots shown on the map.*
  - Status: Water mains were not shown on the submitted materials.
- Requirement 13: *The applicant shall install below ground all utilities serving the proposed lots.*
  - Status: Utilities not shown on the submitted plans.
- Requirement 14: *Construction of the common driveway shall be in accordance with the approved plan, and as per the comments of the Engineer, prior to the future transfer of title.*
  - Status: Unclear if project complies. Note that as of April 2021, this remained unresolved per Planning Department correspondence attached.
- Requirement 15: *The Building inspector shall not issue a Certification of Occupancy for any construction which may take place on Lots 4,5,6 or 7 until the common driveway has been constructed in accordance with the approved plans.*
  - Status: Per aerial imagery, the driveway remains unimproved. The applicant is advised that a CO cannot be issued for the property until the driveway is constructed per the approved plans.

The following summarizes the conditions applicable to the specific proposed project (Lot 6 in the subdivision) (Note: text from the subdivision approval is italicized below but has been truncated. The subdivision approval is attached in its entirety).

- Requirement 5: *Lots 4,5,6,7 shall share a single common driveway shown on the map.*
  - Status: Project Complies.
- Requirement 7: *The applicant shall prepare and submit a common driveway declaration.*
  - Status: The recorded declaration provided was not provided with this submission.
- Requirement 18: *No building or structures, except fences, shall be constructed within 10 feet of an agricultural easement boundary.*
  - Status: There is no fencing shown on the survey adjacent to the agricultural reserved area. The applicant should confirm no fence is proposed here.
- Requirement 19: *All buildings and structures on the lots shown on the map, excepting driveway and utility lines but including all other accessory buildings and structures, shall be confined to the building envelopes shown on the map.*
  - Status: Project complies.

### **Soils**

It should be noted that per §255-3-35 D “Soil conservation”. *Except as part of a construction project for which all approvals required to be obtained under this Code have been granted, no Class I or Class II agricultural soil located on any lot wholly or partly within the Agricultural Overlay District shall be removed from such lot.* The applicant should explain how excavated soil will be managed.

**Lighting**

The house lighting looks to comply with Town Code and Board policies; the fixture specified is downward facing, the wattage is 60 and a color temperature is proposed that is below the maximum allowed in the Town Code (Maximum is 3,000K and 2,900K is proposed).

No information on site lighting was evident in the submission; the applicant should specify if lighting is planned for the driveways, walkways and other areas of the site. If so, locations and fixture specifications demonstrating compliance should be submitted.

**Conclusion**

In conclusion, the Board should discuss whether or not the proposed project can meet its Standards and Criteria as provided in section 255-7-60 of the Town Code as well as the Purposes and Regulations of the Agricultural Overlay District as outlined in sections 255-3-31 & 35 of the Town Code.

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON  
EAST HAMPTON, NEW YORK**

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In the Matter of the Application

Of

**55 WAINSCOTT HOLLOW, LLC  
FINAL SUBDIVISION  
SCTM #300-197-4-2.1**

**FINAL  
SUBDIVISION  
APPROVAL**

**ADOPTED: 1 / 25 / 17**

**FINDINGS AND DETERMINATION OF THE BOARD**

The findings of fact, conclusions, and determination set forth herein are made after consideration of the application, any presentations, memoranda or correspondence made or submitted to the Board by staff or interested parties, comments taken at the public hearing on the application, and inspection of the subject property.

**A. PROJECT DESCRIPTION**

- 1. NATURE OF APPLICATION:** Final subdivision application pursuant to Chapter 220 (Subdivision of Land) and Chapter 193 (Open Space Preservation) of the East Hampton Town Code.
- 2. OWNER OF PROPERTY:** 55 Wainscott Hollow, LLC
- 3. SIZE OF PROPERTY:** 39.954 acres
- 4. NUMBER OF LOTS PROPOSED:** Eight (8) (including Ag. Reserve)
- 5. SIZE OF PROPOSED RESERVED AREA:** See below
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** 1,222,429 Sq. Ft. or ~28 acres
- 7. PREPARER OF PROPOSED MAP:** Saskas Surveying Co. P.C.
- 8. DATE OF PROPOSED MAP:** Dated received by the Planning Board on December 1, 2016 and dated last revised March 12, 2015
- 9. DATE OF PUBLIC HEARING ON APPLICATION:** None. A public hearing was held on the preliminary map. Because no issues have arisen which would warrant a hearing on the proposed final map, such hearing has been waived pursuant to § 220-2.13 of the Town Code.

**B. PROPERTY LOCATION AND DESCRIPTION**

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** SCTM #300-197-4-2.1
- 2. STREET LOCATION:** 55 Wainscott Hollow Road
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** Wainscott

**5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** There is one existing residence as well as a barn and storage containers along Wainscott Hollow Road. The remainder of the property is a large contiguous farm field. The residence has been identified as the David A. Edwards Home by the Town's Historic Preservation Consultant. However, this building is not formally recognized by the State or Federal government as historically significant.

The subject parcel is primarily zoned A5: Residence and is within a New York State agricultural district established pursuant to the Agricultural and Markets Law (25-AA, 303-304). It is also within the Town's Agricultural Overlay District and contains Class II prime agricultural soils, which are protected under §193 Of the Town Code.

The parcel is 100% cleared of native vegetation and there are currently a number of mature deciduous trees with expansive lawn areas as an under-story in the developed areas of the parcel (along Wainscott – Hollow Road). The land is generally flat with a gradual downward slope to the southeast corner of the property (where a slight swale is located) and on towards Wainscott-Hollow Road. The property and the greater area are all part of the watershed for Wainscott Pond.

### **C. ZONING CLASSIFICATION**

- 1. ZONING DISTRICT:** A: Residence & A5: Residence
- 2. ZONING OVERLAY DISTRICT:** Agricultural Overlay District

### **D. SEORA REVIEW**

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative declaration
- 4. DATE OF DETERMINATION:** April 1, 2015

### **E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT**

1. The Board did not vote to approve the preliminary subdivision map. A vote subsequent to the hearing resulted in a 3/3 vote among the 6 members present, resulting in a technical denial. An Article 78 proceeding was brought and a subsequent decision by the New York State Supreme Court awarded preliminary approval to the Applicant. The submitted final subdivision map is identical to the preliminary map, with the required changes as noted in the additional findings below.
2. By letter dated October 29, 2014, the Suffolk County Planning Commission (SCPC) determined that the proposed subdivision is considered to be a matter for local determination.
3. By memorandum dated January 11, 2017 the East Hampton Town Consulting Engineer, Drew Bennett, finds the engineering elements of the proposed subdivision to be satisfactory.

4. The applicants have submitted a Stormwater Pollution Prevention Plan (a SPDES permit) approved by the New York State Department of Environmental Conservation (NYSDEC).
5. By memo dated November 3, 2016 the **Bridgehampton** Fire Department requested a new hydrant and well at specific locations on the property. The final subdivision map depicts these fire-fighting improvements at the locations requested by the **Bridgehampton Fire Department**.
6. The Final Subdivision Map depicts the location of the required fire-fighting apparatus, and contains the following notations which were originally proposed to be required by the Planning Board pursuant to the draft preliminary approval in addition to standard notations regarding the disposition of the reserved areas, and installation of utilities belowground in accordance with Public Service Commission regulations:
  - (a) "A Declaration of Covenants and Restrictions has been filed in the Office of the Suffolk County Clerk which affects the lots shown on this Map. The Covenants and Restrictions contained in that Declaration are binding upon all lot owners and, where a conflict exists, are controlling over the statements made on the face of this Map and over all less restrictive provisions of the Town's Zoning Laws."
  - (b) "Lots 4, 5, 6 & 7 shall share a single common driveway from Wainscott Hollow Road as shown on the Map."
  - (c) "Lot 3 shall take driveway access directly from Wainscott Hollow Road."
  - (d) "No buildings or structures, except fences, shall be constructed within ten (10) feet of an agricultural easement boundary."
  - (e) "An agricultural easement has been granted to the Town of East Hampton over Agricultural Reserved Area designated as "Lot 8"
7. The applicants has obtained the approval of the Suffolk County Department of Health Services for the final map, approved September 30, 2016 as indicated by the seal of the Suffolk County Department of Health Services and signature of an official thereof appearing on the Map.
8. During the Planning Board's review of the application, Applicant proposed to provide the Town with a buildable lot within the Wainscott School District in compliance with the spirit of the Long Island Workforce Housing Act. The provision of such a housing unit would be mandated if Applicant had sought maximum permitted yield for the subdivision. Applicant offers the housing unit notwithstanding that Applicant has not sought maximum lot yield for the premises under the Town Zoning regulations. The Planning Board recognizes the continued need for development of

affordable housing units within the Town and the contribution the proposed unit will have in addressing such needs.

#### **F. COMPLIANCE WITH TOWN CODE OR OTHER REQUIREMENTS OF LAW**

Based upon the foregoing, the Planning Board finds that the application as approved, subject to any conditions or modifications specified in § H below, meets the following requirements:

1. The application satisfies the general policy and requirements of §§ 220-1.05 (A) through (N) of the Town Code.
2. The application meets the requirements of final plat submission enumerated in § 220-2.08 of the Town Code.
3. The application meets the requirements of §§ 220-1.06 (A) through (J) of the Town Code.
4. The application adheres to the design criteria enumerated in Article III of Chapter 220 of the Town Code.
5. The application meets the requirements of Chapter 193 (Open Space Preservation) of the Town Code.

#### **G. DISPOSITION OF APPLICATION**

Final subdivision approval is hereby granted to the Map as described herein, subject to any conditions or modifications specified in § H below.

1. **NAME OF APPROVED MAP:** Map of 55 Wainscott Hollow LLC
2. **PREPARER OF APPROVED MAP:** Saskas Surveying Co. P.C.
3. **DATE OF APPROVED MAP:** Dated received by the Planning Board on December 1, 2016 and dated last revised March 12, 2015
4. **OTHER APPROVED MAP:** N/A

#### **H. CONDITIONS OF APPROVAL**

The conditional final subdivision approval hereby granted is contingent upon full compliance with the conditions set forth in this section.

1. No conveyances may be made of any of the lots shown on the Map (except as part of a conveyance of the entire premises comprising the Map) until and unless the Map has been signed by the Planning Board Chair and recorded at the Office of the Suffolk County Clerk.
2. The Planning Board Chair shall not sign the Map until and unless the applicant has met the conditions contained in ¶ 7, 8, 9 & 10 below.



3. For the sole purpose of enabling the Planning Board Chair to sign the Map, the applicant shall have satisfied any condition of this approval which requires the applicant to record one or more easements, declarations, or other legal instruments at the Office of the Suffolk County Clerk either (a) for easements or other conveyances which must be accepted by the Town Board, whether or not pursuant to the provisions of § 247 of the General Municipal Law, when these easements or other conveyances have been actually accepted by the Town Board, or (b) for all other easements, declarations, or legal instruments, when the form of these easements, declarations, or other instruments has been approved by counsel to this Board.

4. The applicant shall record any and all of the documents referred to in the preceding paragraph at the Office of the Suffolk County Clerk simultaneously with the filing of the Map, and shall return three (3) copies of each such recorded document, with proof of recordation shown thereon, to the Town Clerk before building permits will be issued on any of the lots shown on the Map.

5. Lots 4, 5, 6 & 7 shall share a single common driveway as shown on the map.

6. Lot 3 shall take driveway access directly from Wainscott Hollow Road.

7. The applicant shall prepare and submit a common driveway declaration or easement for Lots 4, 5, 6 & 7, including course descriptions of the common driveway, in form acceptable to and approved by counsel to this Board. The said declaration shall provide for its modification or termination only with the written consent of the East Hampton Town Planning Board and said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk.

8. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶s 5, 6, 11, 13, 16, 17, 18, 19, 20 & 21 herein and in standard form acceptable to and approved by Counsel to this Board. The said declaration shall provide for its modification or termination only upon the approval of the East Hampton Town Planning Board, after a public hearing held on ten (10) days' notice. Said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶s 5, 6, 11, 13, 16, 17, 18, 19, 20 & 21 herein.

9. The applicants shall submit a draft copy of a farm equipment easement to allow access over the common driveway between the agricultural reserve area on the subject property and the reserve area to the northwest in standard form acceptable to and approved by Counsel to this Board. Said easement, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk.

10. An Agricultural Easement, in form acceptable to and approved by the Board and Counsel to this Board, shall be provided to the Town meeting the requirements set forth by the East

Hampton Town Code including but not limited to **Sections** 193-4-35 "Additional restrictions on use of open space" and 193-4-50 "Restricted ownership of open space". Said easement, after approval by **counsel**, shall be recorded at the Office of the Suffolk County Clerk **simultaneously** with the filing of the Map. Copies of the same, with proof of **recording shown thereon**, shall be **returned** to the Town Clerk.

11. The applicant shall install public water to serve the lots shown on the Map.
12. The applicants shall remove or re-locate to one of the proposed lots all of the **existing** on site **structures which** are labeled as "**existing structures to be removed**" on the approved final subdivision map prior to the **issuance** of a certificate of **occupancy** on any of the lots shown.
13. The applicant shall install **belowground** all utilities **servicing** the **proposed** lots, including electric, telephone, and, if available, cable television **wiring**, in **accordance** with the **requirements** of **Chapter 220** of the Town Code. Any **electric transformers** placed, installed, erected, or **constructed** on this property or on the adjacent highway **rights-of-way** shall be **located** below **natural** grade.
14. **Construction** of the common driveway shall be in **accordance** with the approved driveway plan and as per the **comments** of the Engineer, prior to the future transfer of title.
15. The Building Inspector shall not issue a **Certificate** of Occupancy for any **construction** which may take place on Lots 4, 5, 6 or 7 until the common driveway has been **constructed** in **accordance** with the **approved** plans.
16. The Lots **shown** on the Map shall not be used for the **construction** or erection of more than one (1) single family **residence**, plus **accessory buildings** and **structures**, and may never be **subdivided**.
17. No **buildings** or **structures** may be **placed**, **installed**, **erected**, or **constructed** within the areas **depicted** on the Map as "**agricultural reserved area**" except as **provided** for in the "**Grant of Agricultural Easement**" referenced in ¶ 10, above.
18. No **buildings** or **structures**, except **fences**, shall be **constructed** within ten (10) feet of an **agricultural easement** boundary.
19. All **buildings** and **structures** on the lots shown on the Map, **excepting** **driveways** and utility lines but including all other **accessory buildings** and **structures**, shall be confined to the **building envelopes** shown on the Map. Where the **setbacks** required by the **Zoning Code** for **certain structures** (e.g., **swimming pools**, **tennis courts**) **necessitate** **greater setbacks** than are shown by the building envelopes, those **greater setbacks** shall apply.
20. All **stormwater** run-off resulting from the **development** of the lots **shown** on the Map shall be **contained** within the said lots.
21. There shall be no **further division** of any of the lots **shown** on this Map.

22. Title to a buildable parcel within the **Wainscott** school district as **proposed** by the Applicant shall be provided to the Town prior to the transfer of any lot within the **approved** subdivision or the **issuance** of a building permit on any lots within the **Subdivision**.
23. All **conditions prerequisite** to the signing of the Map by the Planning Board Chair shall be met **within six (6) months** of the date of this resolution.

#### **I. VALIDITY OF APPROVAL**

The foregoing constitutes this **Board's** conditional final **subdivision** approval for the "Map of 55 Wainscott Hollow, LLC Final Subdivision." If any condition of **this** resolution is not met, or is not met within the prescribed time period, the final subdivision **approval** hereby granted shall become void and of no effect.

DATED: January 25, 2017

cc: Mary Jane Asato, Esq.  
Bourke, Flanagan & Asato, P.C.  
21 South Main Street  
Southampton, NY 11968

Planning Department  
Building Inspector

# MAP OF 55 WAINSCOTT HOLLOW LLC



SIRACUSE  
Town of East Hampton  
Suffolk County, New York

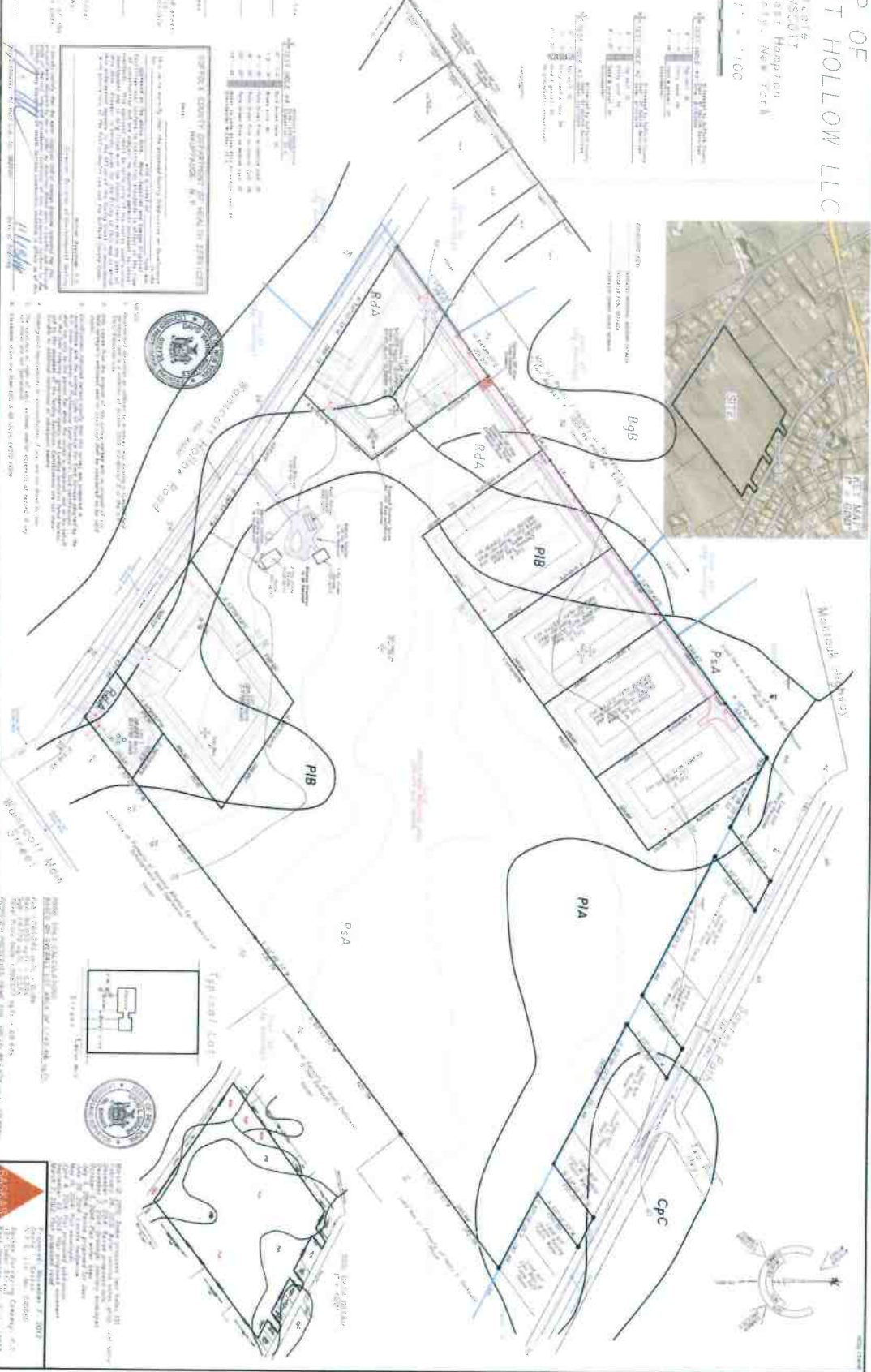
SCALE: 1" = 100'



**GENERAL NOTES:**  
1. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING PURPOSES.  
2. THE TOWN OF EAST HAMPTON, NEW YORK, HAS REVIEWED THIS MAP AND HAS ISSUED THIS MAP AS A PRELIMINARY MAP.  
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**LEGEND:**  
- - - - - Proposed Road  
- - - - - Proposed Utility  
- - - - - Proposed Easement  
- - - - - Proposed Boundary  
- - - - - Proposed Structure  
- - - - - Proposed Site

**PLANNING BOARD:**  
The Planning Board has reviewed this map and has issued this map as a preliminary map. The Planning Board has reviewed this map and has issued this map as a preliminary map. The Planning Board has reviewed this map and has issued this map as a preliminary map. The Planning Board has reviewed this map and has issued this map as a preliminary map. The Planning Board has reviewed this map and has issued this map as a preliminary map.



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