

**TOWN OF NAPLES
PLANNING BOARD
MINUTES
Tuesday, September 15, 2009 – 7:00 pm
Municipal Offices Building**

Kevin Rogers called the meeting to order. Mr. Rogers made a motion to appoint Kathy Sweet as a voting member. Mrs. Mayberry seconded the motion. All were in favor.

Also present were Larry Anton, Kathy Sweet, Florence Mayberry, John Thompson, Rick Seeley, Planning Board Consultant, Boni Rickett, Code Officer and Barbara McDonough, Secretary. Mr. Jim Allen was not present.

First order of business. Read and review the minutes of September 1st, 2009. Mr. Anton suggested clarifying who was appointed Chairperson and who made the motion. Mrs. McDonough changed the minutes to reflect Mr. Thompson making a motion to appoint Mr. Allen as Chairperson. There was also a motion made by Mr. Allen to appoint Mr. Thompson as Vice Chairperson. Also noted Kathy Sweet is spelt with a K not a C. Mrs. Mayberry also pointed out on the first page; paragraph 3 the year 2090 should be 2009. Mr. Anton made a motion to accept the minutes with these changes. Mr. Thompson seconded the motion. All were in favor.

New Business:

- A. Continuation of an Application for a Major Subdivision for property located off Campfire Drive and shown on Naples Tax Map U23, Lot 3 & 4 submitted by Ruhlin Family Trusts. Mr. George Sawyer was present and representing Mr. Ruhlin. Last meeting couple questions were raised 1. Fire Chief letter regarding the road and \$1,00 donation to be due at time of bld. Permit. George said it is stated on the plan it will be due at time of Occupancy permit. Mr. Anton asked about the 2 existing houses should pay at time of approval since they will never pull a permit. George assumed they would rebuild but correct you never know. Mr. Rogers said upon the sale of the lots \$1,000 should be due for those 2 houses (lots 3 & 5). The other will be at the time of pulling a building permit. The plans will be changed. Mr. Anton made a motion to this. Mr. Thompson seconded the motion. The turnaround was changed to a hammerhead. Mr. Pond, Fire Chief said he was satisfied with the length of the road 600 feet and the turnaround. Mr. Anton asked if the lots would all be sold or retained by the trust. The answer was they are all going to be sold. Road being paved after 5 lots are sold (noted on plan). Association will take care of the paving. Mr. Anton said this language should be added to the restrictions. Pins have been set, property lines have been marked and buffers are marked as well. Mr. Rogers went through the checklist for a major subdivision. Mr. Rogers made a motion for a complete preliminary application. Mr. Anton seconded the motion. Mr. Sawyer asked for Final approval pending changing the plan to reflect the changes listed above. Mr. Rogers suggested a performance bond. Mr. Anton asked Mr. Sawyer to come up with a figure and present it to Derik Goodine, Road Commissioner. Also the Old

portion of 114 will have to be maintained by the Association as this is portion of the road was abandoned by the Town many years ago. Mr. Sawyer proceeded to go through the final checklist for Final Approval. Mr. Anton made a motion to grant final approval with the condition of submission of a performance bond. Mr. Rogers seconded the motion. Mr. Thompson asked the changes be added to the plan. All were in favor. Mr. Rogers asked if the Board would like to request a 3rd party inspector. Mrs. Sweet said yes, she agrees with that. Mr. Rogers made a motion for 3rd party inspection after completion of the road. Mr. Thompson seconded the motion. Mrs. Mayberry did not agree. Vote 4, 1,0. There was discussion of requiring phosphorous testing to be done as part of granting final approval. Mr. Anton made a motion to have phosphorous testing done by the developer before the sale of the lots. Mr. Rogers seconded it. Vote 4,1,0. Mr. Rogers questioned the amount of runoff at the big beach on the parcel. Mr. Sawyer did not think this was an issue. Mr. Seeley pointed out a portion of old 114 that were abandoned by the Town many years ago. He suggested notifying the new owners about this and adding the language to the Mylar plan. Mr. Rogers asked Town Attorney Geoff Hole who was in the public audience if the board should vote on a case that may be in legal proceedings. Mr. Hole recommended voting on the application at hand and if lot lines were going to be affected the applicant would have to come back to the Planning Board for modification of a subdivision. Pending bond, agreement lot 3 right of way, road, 3rd party inspect. Mrs. Mayberry seconded the motion. All were in favor.

B. Continuation of an Application for a mobile home park subdivision for property located at Olde Village West and shown on Naples Tax Map U5, Lot 24-2 submitted by Kerri Rose LLC. Bill Hoffman & Gerry Connelly were both present and representing Kerri Rose, LLC. Mr. Hoffman said there were a few issues they were asked to address at the last meeting. Mr. Hoffman said they are as follows:

1. Road Standards; Lots 1 & 2 of the subdivision will be paved. The length of pavement will be 300'. All other lots will be served by a 18' gravel road with 3' shoulders.
2. Open Space; the Board wanted to see contiguous land equaling 10%. The clubhouse and pool area was only 7%. Mr. Hoffman said the lot on Route 302 would meet the 10% requirement. Mr. Anton made it clear this lot was never to be developed and would remain as "open space".
3. DEP permitting was completed Summer 2009. The survey determined there were wetlands in both the southeast and southwest corners. Mr. Hoffman stated they pulled unit back out of that area and updated the plan.
4. After the subdivision is approved and state permitting is completed rules & regulations for the mobile home park will be created.
5. MDOT did not require another survey be done. They felt the impact is below the thresholds. MDOT also determined that a driveway permit application needed to be submitted. Mr. Hoffman stated that was done and they received the permit today.
6. Cumberland County Soil & Water Conservation review was completed and submitted to the Board members. Report is in the file.

Mrs. Rickett explained there are no standards in place for the town of Naples regarding a mobile home park subdivision.

Mr. Anton asked how the Association would be financed. Mr. Hoffman said annual fees would be collected. Mr. Anton said the maintenance agreement for sewer and water must be a signed agreement and added to the Association Declaration. Mr. Anton stated the language in Section 12 needed to reflect no subleasing of the units; the units could only be sold.

Mr. Seeley asked Mike Romanowshi; abutter and owner Romah Motel read a letter into the record. The letter explained Mr. R concern over the wells that will be drilled. He is concerned this will affect his water supply. Ralph DeAngelis, abutter was also concerned for his well and his neighbor's wells. Mr. Hoffman explained numerous test wells will be drilled as well as abutter notification of findings would be sent. Abutters will be notified 2 weeks prior to drilling, this includes abutters within 1,000 feet of the project. 6 of the wells that are drilled will remain in place in the subdivision. Mr. Hoffman assured the abutters the mobile home park would not receive permitting if the project will affect surrounding wells. Mr. Anton asked if the project was located over an aquaifer. Mr. Hoffman said no.

Mr. Hoffman said a completeness review was done by the board on August 21, 2009, at that time it was determined the application was complete.

Mr. Thompson made a motion this was a complete subdivision application. Mr. Rogers seconded the motion. All were in favor. Mr. Thompson made a motion to grant final approval upon receipt of the performance bond. Mr. Anton seconded the motion but with a condition the open space will never be developed on. All were in favor of the motion.

C. Continuation of an Application for Boat Rack Storage for property located on Roosevelt Trail and shown on Naples Tax Map U02, Lot 23-24 submitted by Daniel P. Craffey.

Mr. Craffey was present. Also present representing Mr. Craffey were Dana Hanley, Attorney at Law & Tom Dubois, Engineer for the project. Mr. Dubois gave a brief overview of the project with some changes the board had requested. The project is now a single building set back behind 250 foot Shoreland Zone. The building is 500 feet long and 50' wide; the building will store 300 boats. A section of the driveway was to be moved for 2 buildings but since its one now the driveway will stay in its present locations. He explained one building means reducing the overall impact by reducing the impervious area. They also turned the retaining pond 90 degrees to Route 302 and they are well below the tier 1 threshold with DEP. Mr. Craffey explained he is putting in a pond that will catch the phosphorous runoff from the shopping plaza across the street and off Route 302. He stated this would be a significant improvement to the area and Brandy Pond. The board had asked for trees to be planted on one side of the building, these have been added. He handed out photos of the buildings superimposed on the site. Mr. Dubois said they had received approval from DEP for the 2 buildings, the new application for one building is with DEP now but they saw no problem with it since they approved two buildings. Mrs. Sweet asked if the application for the launch well and ramp had been approved by DEP. Mr. Dubois said yes, and they received approval. Mrs. Sweet asked if they are reviewing that portion of the project tonight. Mr. Dubois said no that will be a separate application to the board when they are ready to present the project; tonight's application is for the building only.

Mr. Lowell, LEA was present and was very concerned over a violation notice that was issued by Boni Rickett, Code Officer for the Town of Naples. Mrs. Rickett said Mr. Craffey planted 10 trees and met the conditions of the consent agreement. She and Mike Morse conducted a site walk of the property; Mrs. Rickett concluded she was satisfied with the work Mr. Craffey did. She said it did seem Mike was not satisfied and wanted more trees planted however she has never heard back from Mike regarding this. Mr. Lowell said his main interest is the vegetation and getting the trees replanted. He urges the Board to contact Mike Morse and see if he is satisfied with the work that was done. Mr. Dubois said there is a signed contest agreement and on a local standard they have meet those requirements. Mrs. Rickett said as far as she was concerned the violation notice has been satisfied.

Dan Hanley, Hanley & Associates Attorney for Mr. Craffey urged the Board to deal with the one Application, which is for Site Plan Review. He said the comments by Mr. Lowell are well put forward unfortunately what the board has to deal with is the one application before you. He said the Board should not get pulled in on questions involving Shoreland Zoning. When Mr. Craffey comes in with an application that deals with Shoreland Zone issues he would encourage all comments regarding Shoreland Zoning at that time. At this point the Board has one task and that is to apply the Site Plan Review that has been enacted by the Town of Naples. Everything has been presented to the Board and this is the 3 or 4th meeting. Section 6.B there is just one aspect that the architectural structure and features conform to conform as close as possible one need only to look across the street to see this structure conforms.

Geoff Hole, Naples Town Attorney wanted to make a couple observations, He said he never agrees with Dana as a matter of principal...lol but basically the Board has an Ordinance Section 6, which standards are relevant to this case, so if you think about discussions that have taken place so far we've talked about the number of boats on the pond, that's not within the standards, we've talked about the scale of buildings, which is in your standards, special attention shall be paid to the scale of the proposed building, the mass of the structure and features and so on...I think enforcement issues need to be left to the enforcement folks and you should limit your inquiry to if you find the application complete, once you do that limit your inquiry and testimony to section 6 standards, you need to go through each one of the standard, what you think of each standard and why, in the event we have litigation the court can tell what you have done and why. Focus on what you need to focus on.

Mr. Rogers said I am going to agree that just because this one project that we are reviewing is out of Shoreland Zone its still on the same property, its still being presented by Dan Craffey who owns the entire property. He said just because the section on Shoreland Zone is out of a separate zone, its still, within in my eyes, within the same property owners project as a whole whether he has conformed or not. I just don't feel like your attempt to separate the issue, I don't necessary support that.

Mr. Clement suggested a spill containment plan. Mr. Dubois said part of the DEP process is having is a spill plan in place. He said the building is covered and a stormwater control plan gives the water a change to the pond for treatment before discharging. He said a three-part plan is already in place.

Diane Gieser and Mr. Krainin both oppose the project due to size, Shoreland zone and the impact on the lake. They said in their opinion couldn't separate the building from the Shoreland Zone. They do not want to see boats in the field and in storage, they do not want to see more boats on the lake, she does not want to live in the Pontoon Capital of Maine.

Mr. Dubois said if anyone looks at the buildings across the street at the shopping center, which is large in size, the scale of those building is the same as this building. If you take a look at the amount of trees and green space on their property compared to the surrounding buildings and lack of green space across the street, you will find this building fits very well into the surroundings and those across the street really do not.

Mr. Hanley said this has always been a marina. This is not a new marina, so as far as the neighbors they have previously accepted this building as a marina. The project meets the requirements of the Town of Naples Site Plan Review Ordinance. That is the engineer's job to meet the standard and they have.

Mr. Craffey said they had a site walk, which was scheduled by the Planning Board and the neighbors seemed pleased with the work he was doing. Not one member of the Planning Board showed up for the site walk. Mr. Craffey called Mr. Allen, who showed up 45 minutes later.

Geoff Hole, Attorney at Law, for the Town of Naples was present and recommended to the Board to only vote on the matter at hand today and to use Section 6 Criteria & Standards for Site Plan Review.

Mr. Rogers said there is no question of how you want the projected project to be done right, with the stormwater runoff and all that, no question your intentions are good. It's good for your customers, its good for business but for me to stand upon the hill and look down the hill I see an older building with mansard roof, a classic building to the left, look to the right and you see an old farm house, that's the ambiance I grew up with and you look down the hill coming into Naples that's what people see, so when it comes to the character coming down the hill that's what I visual Naples as, this is not what I visual Naples as. I appreciate what you are trying to do for your business, there are no qualms about that in the least bit, but this structure does not add to the vision of Naples. Unfortunately its your property, its yours to do business on, but as a board member I am suppose to sit here and look to the future of Naples and the ambiance of Naples and we do have do have ordinances I am going to fall back on right now and that is criteria section 6 of Site Plan Review; Criteria. I am going to make a motion this does not meet this criteria. Mr. Anton seconded the motion reason sec 6.B: Relation of Proposed Building to Environment. Mr. Anton read the Ordinance into the record. Vote: 3,2,0. Mr. Thompson and Mrs. Mayberry were opposed.

Henry Turcotte asked if Mr. Anton had looked as the pictures, he said it fits into the environment nicely.

- D. An Application for a Major Subdivision for property located on Lamb Mills Road and shown on Naples Tax Map R02, Lot 56 submitted by Peter & Tammy Gilman. Jeff Amos, representing Mr. & Mrs. Gillman presented the Application. Mr. Amos gave an overview of the project. This project is located Within the Sebago Lake Watershed and

meets the current DEP watershed requirements. This is a 10-lot subdivision; each lot will have a wooded buffer. On average the building window is around 15,000 square feet, the roadway will be ditched and diverted into level spreaders. Mr. Anton said after reviewing the plan it looks like the lots include a portion of the road to meet the minimum lot size of 40,000. The Engineer agreed the lots are combined with the roads to meet the minimum lot size and in fact the Naples Planning Board has recently approved a project that included the roads to meet the lot size requirements. Mr. Thompson made a motion to table the application until the applicant revised the plan to have the lots 40,000 square feet with 100 feet of road frontage and the square footage cannot include any portion of the road. Mr. Anton seconded the motion. All were in favor.

Mr. Anton asked about the turnarounds in Subdivisions. Mr. Thomson explained the Fire Department prefers a hammerhead turn around.

Other business:

1. Sign Notice of Decision for Naples Golf and Country Club/ road amendment. Signed.
2. Sign Notice of Decision for Naples Casino Inc for commercial docks approved on July 21, 2009. Signed.

Made a motion to adjourn the meeting at 9:40 pm. Seconded the motion. All were in favor.

Respectfully Submitted,

Barbara McDonough
Secretary