

**TOWN OF NAPLES
PLANNING BOARD
MINUTES
Tuesday, April 21st, 2009 – 7:00 pm**

Jim Allen called the meeting to order at 7:00 pm. Also present were Mark Clement, Kevin Rogers, Florence Mayberry, John Thompson, Rick Seeley, Boni Rickett and Barbara McDonough.

First order of business read and review the minutes of April 7th, 2009. Mrs. Mayberry made a motion to accept the minutes as written. Mr. Rogers had one change; he asked an “s” be added to his name in paragraph 3. Mrs. McDonough noted the change. Mrs. Mayberry made a motion to accept the minutes with Mr. Rogers change. Mr. Thompson seconded the motion. All were in favor.

The next order of business was an Application to modify an existing plan for property located on Route 114 & Brandy Pond and shown on Naples Tax Map U24, Lot 1 submitted by Naples Golf & Country Club. Mr. Sawyer was present and stated the owners of the Naples Golf & Country Club would like to modify an approved plan from November 18, 2008. On the approved plan Fairway Drive served 4 lots; 5,6,7, & 8. The applicants would like to modify the plan so Clubhouse drive would serve lot 8, and Fairway Drive would serve lots 5,6 & 7. They feel this is a logical change as it is less interruption for players on the course. This would need to go back to DEP for final approval. They have already done phosphorus testing. Mr. Allen asked what the levels for phosphorus with this change. Mr. Sawyer said the levels are better as there is less runoff with this modification. Mr. Clement asked if the roads would be gravel or paved. Mr. Sawyer said the road would be gravel. Mr. Sawyer said the Chief Pond, Fire Chief for Naples had no issues with the plan change and had asked Barbara to type a letter to be added to the file. Mrs. McDonough confirmed this. The Fire Chief did say he would like to see 2 fire hydrants; one to serve the clubhouse area and one to serve the new 3 building lots previously approved. Mrs. Mayberry made a motion to approve the plan only if DEP approves it as presented. Mr. Thompson seconded the motion. All were in favor.

Application to modify an existing plan for property located at Sebago Lake Estates and shown on Naples Tax Map R01, Lot 4 submitted by Oani - SC Partners, Inc. Mr. Neault was present and stated the application is for Sebago Cove Estates not Sebago Lake Estates. Mrs. McDonough noted the correction. Mr. Neault said he was there

tonight to ask the Board to amend a condition of approval from 2005 relating to the development of various phases. Phase I now has 16 lots sold and Phase III has 1 sold lot which triggered a requirement to build out roads in Phase II under the 2005 approval. Mr. Neault is asking for removal of that condition from 2005 which states Phase II be developed within 3 years of sales of a lot in Phase III and amend it to reflect the road should be built out upon sale of lots in Phase II that do not abut town road. The reason being the other lots abut Burnell Road, a town road and the lots can be accessed from Burnell Road. They are asking that any lots other than 22, 49 & 67-61 would trigger the road be built out.

Peter Manley, legal counsel for Sebago Cove Estates was present and said 2 issues needed to be address tonight. He stated the first issue was a Planning Board 2002 decision, which said Phase II would have to be developed in 3 years of Phase III such development was a sale of a lot in Phase III, this triggered the 3 year period which resulted in a violation notice from Mrs. Boni Rickett CEO and the reason Mr. Neault was present tonight. The second issue is a 2005 Planning Board decision condition 3. Which states applicant to maintain ownership until 60% of total lots are sold or 5 years from notice whichever is sooner. So far, 60% of the lots have not been sold and the 5 years will be in February 2010. The concern of the current homeowners is that in February of 2010 the developer would turn over common area creating a financial burden. So they are asking to vacate condition #3 from 2005. Condition #3 was read into the record and it is in the file. Mr. Neault stated he does not have a problem with vacating #3 but you would have to vacate #4 as well, which says..."annual dues will remain at \$250 per year, while the applicant maintains possession of the road". The Homeowners Association was in agreement with this.

Mr. Neault would like to have the trigger be sale of lots in Phase II. Mr. Leckie said when he bought into this Association 7 years ago, it was under the impression they would be moving into a complete development. Mr. Manley asked what Phase is the 4 lots in question in. Mr. Neault said 1 lot is on a public road and the other are on Burnell Road. He suggests a lot sold in phase II would trigger road construction. Every new lot in the association would be responsible for dues. Mr. Manley is still unclear on lots 22, 49 & 67-61. Mr. Neault said they are accessible by Burnell Road so they should be exempt from triggering the 3-year period. If number 4 is omitted an Association will be immediately formed and they would be responsible for their own dues. Mr. Allen made a motion to approve the extension as presented by attorney Neault for the roads not being completed thru phase II until any lots from 22, 49 & 67-61 of Phase II are sold and will have 3 years from date of closing of said lot or lots to get the road complete. Also the motion is to strike paragraphs 3 & 4 from the February 2005 Planning Board meeting so that the Association can be formed and the common areas from Phase I can be turned over to the new Association. Mr. Thompson seconded the motion. All were in favor.

Continuation of an Application for a mobile home subdivision for property located at Olde Village West and shown on Naples Tax Map U 05, U 11, U 22 - Lots 24-1 and 24-2 submitted by Kerri Rose LLC. Mr. Hoffman, Rob Woodman and Mr. Connelly were

present. R. Hoffman said they received preliminary approval several months ago for a 49-unit mobile home park. They will be 320 square foot homes, which is the minimum size. Mr. Allen who will own the property. Mr. Hoffman said the land be leased not owned. You will only own the building. You would pay a site fee and a mobile home park fee for maintenance or a combined fee. Mr. Connelly said leased land falls under a mobile home park situation. Mr. Allen wants to be sure the parcels are not going to be sold off to 49 individuals' owners. Mr. Seeley said the lots couldn't be sold off because the lots do not meet the 40,000 square foot minimum. Mr. Connelly said the lots are 5,000 square feet so someone could be a shed or something similar on the lot. Mr. Hoffman did a completeness review from Mr. Seely's memo. First item addressed was location of abutters. Mr. Hoffman said this is shown in Section 1 and Section 25. Mr. Hoffman said the next item is signage and lighting. He said each unit will have a yard light to be on until 10:00 pm at night. There will also be a light at the entrance of the park and lights. Mr. Hoffman said the next item addressed is landscaping. Mr. Hoffman said each unit will have one tree or 2 shrubs. Location of septic and wells? Shown on plans and are 300 feet away from the units. They have a contract with CCSW to conduct a review. They don't have DEP approvals or State Permit for mobile home park yet. Mr. Hoffman would like Site Plan approval tonight. Mr. Allen asked if they need a performance bond. Mr. Connelly said yes, and he has a letter from the bank dated last year but will have that updated. He said he owns the land free and clear. Mr. Clement asked if 49 pads would be covered at once. Mr. Connelly said probably 15 units at a time in phases. Mr. Allen asked if this was already broken into phase. Mr. Hoffman said no. Mr. Allen said this would need to be done. Mr. Hoffman said a treatment plant and waste water system would be installed. Mr. Clement asked when the Clubhouse would be completed. Mr. Hoffman said in Phase 3. Mr. Allen asked if any building would be on the crest of the land toward Brandy Pond. Mr. Hoffman said yes. Mr. Clement asked what the lease term would be. Mr. Connelly said that would be worked out, it could be a year or a 20 year lease, he was unsure at this time. Mr. Clement asked if the owner could pick up his unit and move it. Mr. Connelly said yes, they own it they can take it with them but these types of units would not be able to be put back together. Mr. Connelly said this park is going to have a library, clubhouse, and workout room with a kitchen, bocce ball, walking paths and a large swimming pool. Mr. Connelly said this would be an exclusive 55 and older park. Mr. Goodine, Town Manager asked if the grandkids or young people could stay over night. Mr. Connelly said yes in some instances someone could stay a month or 3 months. That has not been established yet. Mr. Rogers asked if there would be a tennis court. Mr. Connelly said no. Mr. Seeley stated Mr. Connelly has said there were examples of this type of park, Mr. Seeley asked where they were in the state of Maine? Mr. Connelly said Terra Escapes in New Hampshire. He did not give an example of a park such as this in Maine. Mr. Thompson said there are one in Brunswick and one in Scarborough. Mr. Hoffman said on Route One in Scarborough. Mr. Seeley said he would like to see an example of this type of home for his review.

Mr. Seeley said Mr. Connelly needed a Planning Board Subdivision review for this type of project under State Law. Mr. Thompson said not that he is aware of. Mr. Seeley disagreed referring to the legal opinion he just got. Mr. Rogers said it looked like an amendment to the original subdivision. Mr. Allen said preliminarily approval for this

project has been granted. He asked the Board if they felt they had a complete application. Mr. Seeley said his opinion is in reading the ordinance there are a few things missing, such as approval letter from Cumberland County Soil & Water Conservation Commission. The other items were not specified. Mr. Roger then suggested a 3rd party inspector for each phase. Mr. Allen made a motion that they have a complete application expect for Cumberland Country Soil & Water Conservation and Department of Environmental Protection Storm Water approvals. Mr. Thompson seconded the motion. All were in favor. Mr. Allen made a motion to approve the projects pending the following, a note on plan that no additional land is owned by developer this will go on final plan, write into association rules about trees as presented, update letter of credit and turned into CEO with proper amounts for development of infrastructure, development allowed to be put in three phrase as depicted on plan, pending all State DEP and public water supply and manufactured project license approval but not limited to those, pending a legal opinion from town attorney regarding subdivision and what is legal to do, 3rd party inspector as approved by CEO. Mr. Allen said Mr. Connelly will have to come back for final approval before this project is accepted. Mrs. Mayberry seconded the motion. All were in favor.

Other Business as Appropriate.

Adjourn Meeting.