

**TOWN OF NAPLES  
PLANNING BOARD  
MINUTES  
Tuesday, June 16th, 2009 – 7:00 pm  
Municipal Offices Building**

Kevin Rogers called the meeting to order at 7:05 pm. Also present were Mark Clement, Florence Mayberry, John Thompson, Planner Consultant Rick Seeley, Code Officer Boni Rickett and Secretary Barbara McDonough.

First order of business.

The first order of business was to read and review the minutes of June 2nd, 2009. Mrs. Mayberry made a motion to approve the minutes. Mr. Thompson seconded the motion. All were in favor.

The next order of business was an Application for an Amendment to a Dock Plan located on Roosevelt Trail and shown on Naples Tax Map U01, Lot 4 submitted by Naples Casino Inc. The applicant was not present. Item tabled.

The next order of business was a 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 not present. Item tabled.

The next order of business was an Application for an Addition to an existing business for property located on Maplewood Drive and shown on Naples Tax Map R07, Lot 21 submitted by Songo Locks Sand & Gravel. Dave Murphy, Bob Mason and Laurie Mason were present and representing Songo Locks Sand & Gravel. Mr. Thompson stated he could not find Addition to Business in our Ordinance and was questioning why they were before the board tonight. Mr. Murphy said they had originally applied to the Planning Board about a year ago at which time he was told by the Code Officer he needed to go before the Planning Board. During that time the Town of Naples adopted a town wide Zoning Ordinance. Mr. Murphy said they decided to petition to get their parcel zoned commercial instead of only being grandfathered for existing use. Mr. Murphy said they had a Public Hearing before the Board of Selectpersons, and then went to the Planning Board for their vote whether this would go to a Special Town Meeting for a possible change to the Zoning Ordinance. He stated a Special Town Meeting was held and the people in attendance voted for the zoning change for the parcel. Mr. Anton said this is a Change of Use and that is how the Planning Board should vote; he stated the land was never zoned commercial, as there was no zoning at the time. He said this is not a grandfathered existing use and that is why they originally went to the Planning Board for a Change of Use. Mr. Anton stated at the Planning Board meeting the Board stated they would have to go through Site Plan review. Mrs. Mason said she disagreed and recalled the Board said if they were doing something new they would have to come before the Planning Board, she stated they are not changing their use for the facility and that

they went before the Planning Board for a change in the Zoning Ordinance. Mr. Rogers said as long as he could remember this property has always been a transfer station and a commercial property. Mr. Anton asked why then had they applied for a State Permit for the facility. Mr. Thompson said just because a business needs a State permit that has nothing to do with the Planning Board. Mr. Murphy said they needed a State Permit because the volume is increasing. Mrs. Mayberry made a motion that this is not a Change of Use. Mr. Thompson seconded the motion. All were in favor. Mr. Mullen from DEP said the application is in their offices and pending. Mrs. Mayberry made a motion to approve the application for an Addition to an Existing business for property located at R07, Lot 21 submitted by Songo Locks Sand & Gravel. Mr. Thompson seconded the motion. All were in favor.

Application for a Minor Subdivision for property located on King Hill Road and shown on Naples Tax Map R02, Lot 16-9 submitted by Gerald Connelly. Mr. Connelly was present and explained this property has an existing road. He said this property has not been subdivided in 5 years. This would be a three-lot subdivision on an existing road. The property was surveyed and soil testing was done. The houses will be 25x30. He stated the State (DEP) had changed requirements for phosphorus, if you have under 5 lots on an existing road the criteria is easier. Mike Morse from DEP wrote a letter, which is in the file. Mr. Thompson asked Mr. Connelly to include the building envelopes on the plan to be recorded. Mr. Thompson made a motion to approve with the following conditions added to the new plan. ***1. Show building envelopes on the plan. 2. Disturbance on an individual lot must be less than 15,000 square feet (including building, driveway, walkways, lawn area, construction access, grading). 3. No more than 7,500 square feet of impervious cover is located on the property. 4. A minimum natural vegetated buffer must be maintained down gradient of all developed area on the lot. This buffer shall be 35 feet deep if naturally forested or 50 feet deep if maintained as a natural meadow. 5. A minimum of 25% of the lot area must be maintained as undisturbed natural area.*** Mrs. Mayberry seconded the motion. All were in favor.

Other Business as Appropriate. – Discussion requested by Rick Seeley for legal opinion for Gerry Connelly's The Village at Naples.

Mr. Seeley said the reason he requested the Board revisit this was because he sought legal opinion from Sue Pilgrim of MMA to clarify whether what was proposed met the definition of Mobile Home Park. The Board granted preliminary Site Plan Review on 4-21-09 subject to the Board receiving legal opinion from Sue Pilgrim to see if the Site Plan Approval was still valid. Mr. Seeley said in the meantime Mr. Connelly's attorney has been reviewing this as well. Mr. Thompson asked what Mrs. Pilgrim's opinion was. Mr. Seeley said her opinion was that what Mr. Connelly is proposing is a mobile home park; it does meet the definition of a mobile home park not a mobile home park subdivision. Mr. Seeley said the second question was if the mobile home park is subject to subdivision review. Mr. Thompson said 2 meetings ago he thought this would not fail under subdivision review so he called MMA, he agrees with Rick this does fall under subdivision technically but this is a mobile home park and the Planning Board should review this under State criteria under Mobile Home Park and Site Plan Review not Subdivision because Subdivision standards do not apply to this application. Mr. Seeley suggested the Board review this under Subdivision and not apply all the subdivision standards to the application. Mr. Thompson agreed. Mr. Seeley asked the Board if they felt the conditions for Site Plan review had been met? Mr.

Rogers said yes. Mr. Rogers made a motion conditions have been met for Site Plan Review. Mr. Thompson seconded the motion. Mr. Seeley then asked if this is going to be subject to Final Subdivision Review? The Board said yes. Mr. Connelly requested to be added to the July 7<sup>th</sup> agenda for Final Subdivision Review.

Sign Notice of Decision for: Tabled until Mr. Allen could sign the Notices.

1. Gazebo T's U25, Lot 17 – To build a 24x30 foot garage and a 50x8 foot deck on the main building. Approved on 4-7-09
2. Oani – SC Partners, LLC R01, Lot 4 – Modification of Condition of Approval approved 4-21-09
3. Naples Golf & Country Plan Modification. Approved 4-21-09
4. Frisch/Shane Dock Plan over 600 square feet – Approved on 5-5-09.
5. Maine Blues Festival Outdoor Entertainment Permit – Approved 5-19-09.

Mr. Clement made a motion to adjourn the meeting at 8:25 pm. Mr. Thompson seconded the motion. All were in favor.

Respectfully Submitted,

Barbara McDonough  
Planning Board Secretary