

TOWN OF NAPLES
MINUTES
BOARD OF APPEALS
Tuesday, October 30, 2012, at 7:00 pm
Municipal Offices Building

14A

John Flatherty called the meeting to order. Also present was Renee Carter, CEO, Skip Meeker, Russell Lashua, Marcia Stewart and Bill Callahan, Harbor Master.

Review and approve Minutes of July 31, 2012. Skip made a motion to approve the minutes. Russ seconded the motion. Motion was unanimously approved.

New Business: An Administrative Appeal for property located on Dee's Way and shown on Naples Tax Map U35, Lot 25 submitted by Cynthia White. Mrs. White was present and stated she felt the placement of the Serunian's mooring did not allow her to safely back her pontoon boat out from her boat lift. She also felt allowing moorings to be placed on or near property line boundaries would create problems for all waterfront owners and the ordinance should be more clear on mooring placement. She had a survey completed and felt it depicted accurate property lines and from her survey the Serunian's mooring was in fact on her property line.

Renee said for the record the Alberts who are the direct abutter to Mrs. White and family members of the Serunian's could not be present but had no problem with the mooring placement.

The Serunian's were present and stated they do not have a survey but had a professional diver install their mooring and the mooring is in fact in front of their land. He also stated he believes riparian rights would be applicable in this case and there are 4 different methods of calculating boundaries when using this methods. Skip said the Town of Naples does not use this method to calculate mooring placement, the Town of Naples Harbor Master uses Shoreland Zoning Ordinance to regulate and determine mooring placement. Mr. Serunian said Mrs. White's original mooring placement was in another spot before her appeal. She moved the mooring closer to his mooring after filing the paperwork with the Naples Town Office. Mrs. White agreed she did indeed move her mooring after he installed his mooring.

Both parties had taken photographs of moorings, their shoreline and docks.

Bill said he had visited both properties and thought an agreement had been worked out with Mrs. White but the next day she filed an appeal at the office and moved her mooring. Bill's original thought was that if the Serunians did not increase the size of their boat then it would not impede on Mrs. White's safe navigation, he was going to work out an agreement between the parties but as stated before Mrs. White filed an appeal before he could come up with a possible solution to her objections. She said she needed to file an appeal because of the time frame outlined in the

appeals procedure. Bill had pictures documenting all visits. Bill said the Shoreland Zone Ordinance Bylaw does not state a mooring has to be in front of a property owners land unless its in a designated mooring area, such as an association. Bill and 4 other members of Naples Harbor Patrol, on separate occasions visited the site and did not see a problem with safe navigation from her boat lift. Mrs. White had about 150 feet to turn her boat around. He said that the mooring anchor in question is well north of the mooring ball and that it had a 20' swing chain. He said most times it does drift south to Mrs. White's property, however the anchor is not in front of her property and he feels the mooring placement is correct and safe.

Mrs. White said legally it may be the case not to have a person put their mooring in front of their house but asked why wouldn't you do that? Marcia asked Mr. Serunian why did he place his second mooring there? He replied he was advised by the diver installing his mooring to place it there, that was the best spot for his mooring. Mr. Serunian then pointed out to Mrs. White that his diver said her mooring is an illegal mooring and it is only held in place by a 10 pound weight. She said she was not using the mooring just wanted to put it in the water.

Skip made a motion to deny the appeal based on the fact the mooring is a legal mooring and the placement was approved by the Harbor Master. Russ seconded the motion. The motion passed unanimously.

A motion was made to adjourn the meeting.

Respectfully Submitted,

Barbara McDonough
Secretary