



**Town of Naples
Planning Board Meeting Minutes
Tuesday, December 19, 2023**

6:00 PM

1. Call to Order & Pledge of Allegiance- Martina Witts called the meeting to order.
2. Attendance- Also present were Robert Fogg, Susan Fleck, Marty Zartarian (Alternate), Kate Matthews (Code Officers), Kathy Eddy (Assistant to Code Office and Planning Board) and Jamel Torres (Planner). Jennifer Leeman (Alternate) arrived late to the meeting. Both M. Zartarian and J. Leeman were appointed as voting members.
 - a. Do any board members have any conflicts of interest with the items brought in front of the board this evening? M. Witts asked do any members have any conflict with tonight's items before them. No one has any conflicts with the matters in front of them tonight.
3. Review of Meeting Minutes from **9/19/23 and 10/17/23 plus 11/21/23**. The meeting minutes from 9/19/2023 are on hold due to not having a quorum to vote on that meeting. The 10/17/23 and 11/21/23 were voted on. R. Fogg made a motion to accept them as written, M. Zartarian seconded the motion. Motion carried 4-0.
4. Old Business—None
5. Tabled Business—None
6. New Business
 - a. Map U06 Lots 07&08--- C N Brown Company for a new convenience store with an approximately 5,000 square foot building. Tom Saucier with Site Design Associates is the developer for the project put forth by CN Brown Company also with Kevin Knightly from CN Brown Company. We are here to present a concept and pretty bare bones of a plan. We just want to get some feedback from the town before we start filing the permit applications for DOT and DEP and then we will come back to the town. The location in question is at the corner of Sand Road and Route 302, this is where the old Bottle Redemption Center exists and a convenience store that is shuttered up and a residential property to the east of the

site. So, the existing property has a curb cut onto Sand Road and along Roosevelt Trail. The proposal is for a 5,000 square foot convenience store with an 80x32 canopy for twelve fueling positions and a diesel canopy for large trucks. Two new driveways are proposed off of Roosevelt Trail. They need a separation for MDOT of 175 feet and they need 125 feet corner clearance. The town code generally requires access off the less traveled way which would be Sand Road, and which is the case that would not make a lot of sense. We feel that having the traffic come out onto Roosevelt Trail would be the better solution. The current layout we have we will run by DOT and see what they think. We have to go through a whole traffic movement permit process and the town will be deeply involved in that. The traffic we are going to require a TMP not sure whether it is going to be a hundred or two hundred trips there are two different tiers. The property will be about an acre to an acre and a quarter of impervious area, and it is tributary to Sebago Lake so we will be doing some storm water quality enhancement. The town requires phosphorus, and the DEP chapter five hundred requires either phosphorus or the general standards for a project of this nature. We will be going to DEP first and see what they require and then go to the town with the choices. The landscaping there is a five-foot landscape buffer along the frontage of the two roads and a 20-foot buffer around the perimeter of the side and rear of the lot lines. Lighting we will have a photometric plan for the town the next time we come in from of the board.

M. Zartarian asked about the service drive and wondering why you considered putting it on this side versus the on the other side towards my way? The developer stated we are trying to keep the store away from Roosevelt trail and to keep it out of the setbacks and we cannot pave in the 20-foot landscape utter here and the service drive is to reach the electrical room.

R. Fogg- Did you purchase a couple of residents next to the current convenience center? The developer stated we purchased the resident property that was next to the current store.

R. Fogg- What about the sight lines of the traffic coming up through from Casco? Is there going to be enough distance there? The developer stated we just sent the surveyors back out there to take a harder look at it all. We may need to make some improvements in the right way to get it, we need 580 feet for the sight distance.

S. Fleck- Does the second map show the current opening? The developer stated yes, it is one vast opening down there it is not defined right now there is gravel opening then two paved openings.

M. Zartarian- What are the plans for plantings and aesthetics on the side of the adjacent to 302, cause you show only to have five foot of landscape buffer there? The developer stated yes, that is what your code requires we will heavily landscape it per code and probably exceed the code.

M. Zartarian- So what are your plans for the landscape? Do you have plans at this

time? The developer stated we will have a landscape plan next time we present to the town.

M. Zartarian- Will you have plantings on the east side since this is going to be the first thing people see when they come up the hill and see the back of the building there? The developer stated we will have screening with landscape buffer along the side.

S. Fleck- So on map one it shows the leach field will go and on the next map that shows where the diesel canopy is, so at this time you are not sure where the leach field will go? The developer stated that is correct it will not go at the location currently mapped out we are doing soil investigations now to determine.

M. Witts- Under the diesel canopy is that designed for large trucks? Is it your intention to allow overnight parking and the idling of diesel trucks? The developer stated no we NOT allow overnight parking and idling of diesel trucks.

M. Witts- A sign will need to be posted stating no overnight parking and no idling of diesel trucks.

M. Witts- What is the landscaping between the actual commercial development and the residences on the side? The developer stated this would be a class two for development.

M. Witts- What about sidewalks? We do have a code that says a new commercial development would need to have a sidewalk. I am not sure where the sidewalk currently is or is not. That is something we might have to put money in Escrow for.

M. Witts- the memo stated that you wanted to eliminate some of the impervious surface in the areas that seemed a like a little bit more than you might need? The developer we do not like to pay for pavement if we do not need it however you do need 110 feet usually to circulate a tractor trailer into the canopy.

M. Witts- Phosphorus and the two sections? The developer stated yes chapter five hundred of the DEP stormwater law, actually gives you options to the phosphorus law of the phosphorus standard. It is the general standards under DEP to either meet basic standards which is basic erosion control and then the general standard we will talk with DEP of which way to go.

M. Witts- Can you help me with understanding are they at all contradictories to our ordinances or could we potentially ask for both of them and go with the town's only? Jamel the applicant is actually better suited to answer specific engineering questions, however either is fine to use but leaning towards the stricter which is probably phosphorus would be better. The developer stated the general standards is a toolbox to work with than the phosphorus standards. Today's technology is composed when the phosphorus standards were written they were updated seven years ago.

S. Fleck- On map one it shows the tree area, are you planning on having that for reference or will it be staying? The developer stated hose will go away and be cut down because that is going to be impervious for underground chambers.

S. Fleck- So I see that there is an access to Lloyd Graves property through this property will that remain? The developer stated that the property has access out onto Fairhaven Lane there was no easement recorded there it was more a convenience and was allowed.

J. Leeman- Is there any plans for any sort of food preparation, coffee making anything like that? The developer stated might be coffee, maybe hotdogs and other things.

J. Leeman- So one point that would like to be made and not sure if the board can do anything about however being a code officer some communities in Maine have some issues with some of the gas stations that have coffee baking businesses within it. What is happening is that coffee grounds are clogging up the septic systems and they have to put a White Knight system and stuff like that. I am aware that the planning board cannot put restrictions or any comments onto your septic design, but I would like to have the record show that it was mentioned that this system is something to be taken into account when the septic is designed.

M. Witts- Are you planning on showing where the car parking is? The developer stated yes, we have some spaces up in front of the store and on the site plan that you have you will see more about the parking.

M. Witts- The snow removal has to be shown on the plan, will you be showing us that next time on the plan? The planner stated yes, we will have that marked out on the next site map that comes in front of the board.

R. Fogg- What is the area between the pavement and Sand Road going to be, will it have any access? The developer stated no access that is not considered anymore and would be landscape.

R. Fogg stated that they should consider having access onto Sand Road so that Sand Road traffic doesn't have to go out onto Route 302 to enter and exit the property.

J. Torres- What are the anticipated hours of operations and lighting are you going to have dimmers on them or anything? The developer stated we will be open 24 hours and scale back the operation hours of the other store located near by. All the lighting will be dark sky compliant down lighting.

- b. Map R07 Lot 22--- Amendment to a Major Subdivision application for the Oak Knoll Subdivision James Seymour with Sebago technics here to present for the owners of the property who are Jeffrey and Shelly Juno who are both with us this evening. The property in question is located on both Songo School Road and Dutton Road. This was a subdivision that was approved in 1989 and 1990 and has lapsed since it was never recorded in the Cumberland County Registry of Deeds. Not sure if this is an amendment or a new subdivision since the planner has given comments, however not clear. We will be presenting tonight a subdivision of nine lots which was less than the last time. Originally it was much larger, and the property owners would be keeping a substantial portion of the property which included the construction of that loop road to come through the property. All the

plots will have frontages on the two existing town roads so there is no need for an internal road to serve the subdivision. The areas in green we did revise the phosphorus calculation from the last time and are in the packets since the phosphorus calculations and standards and methodology has changed a little bit since 1990. Each of the lots will have at least a 50-foot buffer from the development. We are restricted the clearing on each lot for impervious surface with includes the building and driveways. We did meet with the fire chief and there is an easement located on lot seven to support a 15,000-gallon fire suppression tank which is satisfactory and centrally located to help with the additional subdivisions further down the road.

R. Fogg- Is there any kind of water access for this development? The developer stated no, there is no water access there was a question from the planner about wetlands there is an area at the bottom of the property that the property owners will be keeping.

R. Fogg- Any covenants or anything like that? The developer stated responded that they have not talked about that yet but do feel that those restrictions that you see for the lots with regards to buffers and the clearing limits, those would be deeded restrictions.

K. Matthews- Do they have right of way to the water or anything like that or moorings? The developer stated no, water right of way or moorings.

J. Leeman- Is this going to be part of an association included into the Dutton Road Association? The developer stated no, these lots are strictly just going to have deeded restrictions such as no trailers, no junk cars, no trash.

R. Fogg- What about the maintenance of the road along Dutton Road? The developer stated we have provided documentation that is actually a town road.

M. Witts- Will you be depicting proposed building envelopes? The developer stated no, we will not because we do not know the style or the size, we are just depicting a limitation on what they can do. It would be up to the owner when they come in for a building permit to meet those criteria.

M. Witts- I believe you saw the memo from the planner, did you have any questions for the board at this point? The developer stated yes, we did see the memo from the planner and did have a few questions. What would be acceptable to show for wetlands and then with regards to the open space and whether the board wanted open space or whether you provide the open space or is that something that is waivable? M. Witts so according to the planner memo it was not determined if any water bodies such as wetlands exist on the property. So, what do we know about the wetlands? The developer stated earlier that the only wetlands down in the southeast corner of the property will be retained by the current owner. We are going to ask Survey Inc to grab the available data and put it not the plan for a reference. M. Witts- So what about the open space requirements? The developer stated the open space was 10% back in 1990 and has changed and we are wondering if this is required. It would need to come from the

land that is retained by the owner's other land that they are keeping. This would come out of the land retained for about 3.8 acres to keep open space.

J. Leeman- Are there plans to further develop this land later on? The applicant, the further development is in my head that maybe years down the road we might develop even more. The developer stated what he is shown is phase one and, in the future, if he wants to develop, he will show a road and get a DEP permit to do so and he would have the land and open space to do that.

J. Leeman- what is the reasoning for the two phases and why not just delineate the rest of it now and have it all approved? The developer stated if we delineate it now, we have to show the road and show the lots plus the road and we are back deal with DEP and at this time he is trying to avoid that. J. Leeman- You can show both phases and have them approved and do phase one and later do phase two. The developer and the applicant not sure if a second phase are going to be done with the demand cost of everything. We do not think that things need to be dedicated at this time and it will be his loss down the road several years if he develops and things have changed, he will need to take that change. The applicant wants to keep it simple as possible for the sale of these to generate some revenue and then go from there.

M. Witts- The board would agree to see something about this in the deed in a way that could be enforced. The developer stated had another question for the board regarding traffic generation. They could provide a memo where this is kind of disseminated between two roads traffic impact is going to be very minimal.

K. Matthews- We could have the road commissioner which is the town manager or the public works manager who is the proxy write a letter stating that he feeling the traffic would not impact the road like we do with other plans and have the fire chief write a letter.

K. Matthews-This was considered a sketch plan and when you are able to gather all the information needed, you can come back with a preliminary plan next meeting or when you can submit information with the deadline.

7. Public Participation for Planning Board Matters

a. Other business-

M. Witts- 1. Would like to talk about the email that was shared with them and talk about clarification. A plan was approved back in June 2022 for storage containers. The plan was signed, and the conditions of the approval have not been met as they were intended. The planning board members had a lengthy discussion about needing understanding and clarity on whether or not there was something wrong with our conditions of approval since they want to make sure they are not doing things wrong. 2. Talked about the ordinances to the select board members and the select board was in favor of us writing all of the ordinance with the addition of boat storage and the next ORC meeting is 12-20-2023. The planning board members had a lengthy discussion about the ordinance review matters.

8. Next meeting is **Next meeting will be 1-2-2024.**
9. Adjourn- M. Zartarian made the motion to adjourn then it was seconded by R. Fogg and the meeting was adjourned.