

**TOWN OF NAPLES**  
**Planning Board Meeting Minutes**  
**March 24<sup>th</sup>, 2022**  
**6:00pm**

Video Link: <https://vimeopro.com/lrtv/town-of-naples-2022/video/692324262>

Chair of the Selectboard Jim Grattelo called the meeting to order. Also present were Bob Caron, Ted Shane, Colin Brackett, Kevin Rogers (via Zoom), Chair of the Planning Board Doug Bogdan, Robert Fogg, Jim Allen, Martina Witts, Larry Anton, Marty Zartainian, ORC members Skip Meeker and Sue Fleck, Planners Ben Smith and Samantha Peikes, Code Enforcement Officer Kate Matthews, Harbor Master Shawn Hebert (Via Zoom) and Town Manager John Hawley. Jim Grattelo opened the meeting reminding everyone this is the continuation of the First round of Public Hearings. He added if any member felt any of the Ordinances were not ready for the June election, it can wait until November if it is not ready. He then turned the meeting over to Chair of the Planning Board Doug Bogdan.

Doug Bogdan opened the meeting to public comment for the proposed Zoning Change for the Oliveira Property. Kathy Keinath spoke to the Board sharing her concerns and asking the Board to reconsider. Chip Keinath asked what would be next if they closed the restaurant, but the land was changed to commercial. Carlo Oliveira, son of Gabby and Carlos Oliveira, spoke on their community involvement and the sacrifices his family including him has made for this Country. He added his mother, Gabby, just wanted to bring their culture to Maine. Larry Anton specified why he voted against the change, the residential properties surrounding it. He specified they knew what the property was when they bought it, grandfathered for a specific use. Carlos Oliveira clarified the request for zoning change is not for the sole purpose of allowing outdoor music, rather to do with their loans and percentage rates. Martina Witts wanted to clarify, the Board that at the last Ordinance Meeting both the Planning Board voted to not recommend and the Selectboard voted to recommend the requested zoning change be on the ballot. Jim Grattelo specified the Selectboard will be voting on April 11th. John Hawley clarified the Selectboard did make a motion, but it was invalid as it was not a posted Selectboard item and was not a Selectboard agenda item. John Hawley addressed the abutter notifications, stating this request and the other lot-specific zoning change did get abutter notifications sent from the Town, due to the fact they are direct abutters to the zoning change. He added the other ordinance changes did not get abutter notifications because there are no specific lots for those items. For example, the Event Venue Ordinance will be affecting everyone in the Rural zone, there is no way for the Town to send notifications to all people who would be affected by this use. Gabby Oliveira added the property already had a business on it when they purchased, and assumed it was commercial since it is directly on Route 302. Jim Allen asked what the October meeting was, and if this item was a Citizen's Petition. Jim Grattelo stated the October meeting was when the Oliveira's first asked the Selectboard to add the proposed change to the next available Town Meeting, and this was not a Citizen's Petition. Jim Allen stated when the Zoning took effect, their property should have been included in the Commercial Zone. Jim Grattelo addressed Carlo directly, stating there is no perception about him or his family in this town that he was aware of. Carlos Oliveira stated in the 17 years of business there have been zero noise complaints brought to them. Sue Fleck spoke of the history of the zoning, added the original commercial zone went past their property and when the Comprehensive Plan came out the landowners in that area were assured they could come back to the Town for spot zoning, she knows this because she is a landowner in that area. Skip Meeker added the State came in to deny the Commercial zoning going that far up 302. Chip added they live near Gabby's Roadhouse, and they haven't had issues yet, but it is about keeping the essence of the community.

Doug Bogdan moved on to the Mooring and Waterfront Management Ordinance, Ben explained most of the changes since there were some Zoom technical issues. Jim Allen directed the attention to Section 6 'Mooring' page 2-4, he asked about the Waitlist. Shawn explained the smaller Right of Ways or Access ways that are not a part of an official association to manage their waitlist, there isn't a current way of tracking who is first in line. He added most of the larger associations in town, or right of ways managed by a group are required to submit to the Town a current list of who is in the Mooring Fields and who are on waitlists, and they would maintain that. Jim asked if there was a fee to be on the waiting list, Shawn confirmed. Jim Allen stated they shouldn't have to pay a fee if they are legally entitled to a mooring. He then directed to Section 7 "Docks, Wharfs, and Aquatic Structures" A-2, he asked if someone buys a property with 200ft of natural beach they wouldn't be able to have a dock. Kate Matthews explained this is part of what was copied and removed from the Shoreland Zoning Ordinance, and the changes are what needed to get the Town up to State compliance. Jim Allen pointed out that may be what they wanted but that doesn't mean it's right, staff should reach out to Jeff Kalinich (DEP representative) to clarify this statement. Kevin Rogers suggested rewording the statement. Shawn stated he would see if changes could be made. Jim Allen referenced Section 7a-10 "Existing Structures" was fine, but the subsection under that should be stricken from the Ordinance. Shawn stated he also questioned that, but it was not directly recommended by Jeff to remove, but we will follow up. Jim Grattelo wanted clarification, for the same section, that if someone had a 450sqft dock that was grandfathered they could fully replace it with a brand new aluminum dock without issue. Kate stated if they have the proof it was allowed/permitted and it was the same sized dock continuously with the same footprint, it would be allowable to replace at that same size. Sue Fleck asked if this was from the State section 1000, or from the Town set standards. Kate stated she thought this was a Town set. Martina Witts directed to Section 7, paragraph 6, the very last subsection, asked if that placement was suggested by Jeff or if it should be in Section 5. Kate added she had spoken with Jeff earlier in the day and they may need to move some things around in the ordinance. Jim Grattelo asked for some clarification, Martina explained the State Section 1000 restricts docks to 6ft wide and the Town currently doesn't. Jim Grattelo stated if we do not have the full approval of the State, and the Ordinance isn't complete, it shouldn't be going to the Vote. Larry directed to Section 7 item 4, asking about the smaller 40ft wide Right of Ways. Shawn stated associations are dealt with differently. After discussion, it was determined the measurement 50-200 should be changed to 'less than 200 feet'. Sue Fleck directed to Section 6 "Mooring Registration Fee Schedules" and asked if all the fees had been removed from ordinances, so if fee changes are necessary, they can't be changed with the Selectboard rather than waiting for Town Meeting. Jim confirmed, and asked Shawn to explain. Shawn stated according to legal, he needed to have it voted on first and then can be pulled out after approved. Sue Fleck directed to the same page, item 'iii' if that could be explained. Jim Allen explained the Marina's in town all pay \$3500 per year to the Town to help cover the cost of Marine Safety. Jim Grattelo stated that the entire section should be removed, along with the fee schedule. Mike Maddison asked Jim Grattelo how many moorings he has, Jim stated 2. Mike stated the ordinance states '1 mooring 1 raft' Jim Grattelo asked Shawn the rule. Shawn stated there can be a secondary, temporary, mooring but it cannot house a boat permanently. Mike asked if that meant he could have 2 moorings, Doug stated this would be off topic for a specific property and should be taken up with the Harbor Master later. Jim Allen motioned to recommend the proposal with the changes discussed. Larry Anton seconded. All in favor 5-0.

Doug Bogdan moved the meeting to Agenda Item 'K' - Event Venues. Ben explained the changes requested at the last meeting. Larry Anton adds that the Ordinance Review Committee spent a lot of time developing this, but when it came to the Planning Board it was never voted on. He shared his concerns about the overnight accommodations. Ron Tabor, who lives across the street from one of the locations proposing a Venue, shared his concerns of allowing this business venture in the Rural Zone. Sue Fleck explained some of the changes to the proposed ordinance are a result of Staff work and a

submitted Citizen's petition. Jim Grattelo asked if the petition is still going to the ballot. James Willworth, landowner proposing a Venue, explained they would be moving forward with the Citizen's petition if the Town and parties cannot come to an agreement. Will Thibodeau, landowner to another property proposing a Venue, agreed. Ron Tabor asked the Board if the landowner would be allowed to have Fireworks, since the Town does not have a Fireworks ordinance. Kate Matthews stated there isn't a police force to monitor the activity if there was an ordinance in place. Ben Smith mentioned the Fireworks would be a part of the Entertainment permits. James Willworth clarified they are still moving forward with the Citizens Petition because they were not a part of the ordinance writing process as he had been told he would be. Larry Anton made the motion to not support the current version of the Ordinance as written, Martina Witts seconded. Jim Allen asked Larry and Martina what needed to be changed. All in favor 5-0.

Bob Caron asked Doug Bogdan for clarification, since the Selectboard received the request from the landowners proposing an event venue and sent it to the Planning Board to review but the landowners are claiming they were not a part of the ordinance creation process. Jim Allen stated that disconnect probably happened with the Ordinance Review Committee. Kate Matthews added there was an email sent to the landowners.

Doug moved the meeting to the Solar Ordinance. Ben Smith presented the changes to the current ordinance. Larry Anton requested the language stating "minimized use" of herbicides/pesticides be changed to "cannot be used unless no other means". He also raised a question of the 5 active Solar Farms and Jim Allen stated they discussed at previous meetings the town would honor the current 5 projects in the works. Ashley Martin asked what the rationality on the limit of 5 was. Martina Witts explained she suggested 5 be the limit because there are already 5 projects approved by the Planning Board, and they already far exceed the electricity that all the households in Naples could take. Martina added she knows the power generated does not just go to the Naples Residents, but she was balancing the cutting of forests and the impacts on the watersheds. Ashley asked about the properties that are already cleared. Larry Anton added they wouldn't want to see agricultural fields used for solar farms. John Hawley stated picking the number of 5 doesn't necessarily limit the sizes of them. Ben Smith clarified so far only 1 of the 5 has been built, and one has already been dropped. Ashley asked if there were caps on any other developments. Jim Grattelo stated other towns have caps on development, but this would be the first for Naples. Sue Fleck stated it was not intentional to 'leave out' Ashley's property, but more the intent to allow the ones with approval to complete the process. Larry Anton suggested exempting the properties included in the original Solar Overlay. Jim Grattelo agreed with that. Sue Fleck directed to page one bottom paragraph and suggested the language "no change of use" should be added. Sue also stated they should not be allowed to use any chemicals. Ben asked Sue for clarification, the point about restoring the property should say stabilize the property and the Board agreed. Ted Shane directed to item #14, that the project should not be visible from any public roadways, he asked the Board what they would require of an applicant if it is in a field. Ashley suggested the Board change the language from "visibility" to a measurable buffer, the Board felt that wasn't needed since the application would still be required to go through Planning Board approval and the required screening would be reviewed per property. Jim Allen made the motion to recommend the Ordinance, Robert Fogg seconded. All in favor 5-0.

Jim Grattelo left the meeting around 9:30pm.

Doug moved the meeting to the Shoreland Zoning Ordinance. Ben Smith presented the changes. There were a few typos discussed. Jim Allen directed to page 8 section 12 and asked if the removal was state mandated. Kate stated it was. Larry Anton made the motion to recommend the Ordinance with the changes, Jim Allen seconded. All in favor 5-0.

Doug moved on to the Setbacks in the Village district. Ben Smith explained he didn't have a motion written down from the previous meetings, he explained the proposed changes. Jim Allen made the motion to recommend the Ordinance with the changes, Robert Fogg seconded. All in favor 5-0. Ted Shane and Bob Caron left the meeting around 9:55pm.

Doug moved the meeting to the Land Use Ordinance - Subdivision Ordinance. Ben explained the changes  
\*\*\*VIDEO RECORDING STOPPED\*\*\*

Respectively submitted,  
Jennifer Leeman  
Asst. to Code Enforcement