

**TOWN OF NAPLES**  
**Planning Board Meeting Minutes**  
**April 5<sup>th</sup>, 2022**  
**6:00pm**

Video Link: <https://vimeopro.com/lrtv/town-of-naples-2022/video/696573479>

Vice Chairman John Thompson called the meeting to order. He opened the meeting by defining the rules of the meeting including 3-minute limitations per person speaking. John turned to Jennifer Leeman and asked, since this was the first meeting, he had run allowing Zoom, what the requirements for that were. Jennifer Leeman responded that the policy the Selectboard adopted for all the Boards in town required an emergency or illness, there was nothing specified for this meeting, but Zoom was approved by Chairman Doug Bogdan via email the week prior.

Martina Witts (participating via Zoom) asked John to list off the members in attendance.

Also present were Marty Zartarian, Larry Anton, Robert Fogg, Code Officer Kate Matthews and her assistant Jennifer Leeman.

John Thompson went on to ask the applicant to read off a letter he had submitted to the Chairman. Jim Grattelo called Point of Order, asking John for more than 3 minutes to speak to rebut the letter about to be read. John held the 3 minutes. Steve Bailey, the applicant read a letter to the Board sharing his concerns of not receiving a fair judgment based on actions from Jim Grattelo and Larry Anton. In another letter, he had requested Marty Zartarian recuse himself as he lives in the same HOA. Prior to the meeting Marty contacted Chairman Doug Bogdan regarding this letter specifically calling for him to recuse himself. After their review they concluded Marty did not need to recuse himself. John Thompson asked both Marty and Larry if they felt they needed to recuse themselves. Seeing none, John appointed them both voting members for the meeting. In response to the letter, Larry found it insulting that someone would feel the Board could be swayed. Larry added he felt this application was not for a dock, but rather a deck on the water. Steve Bailey read the 'Dock' definition found in the Naples Mooring and Waterfront Management Ordinance, pointing out there is no limitation on the current day ordinance to say how the dock can be used.

Steve Bailey asked the Chairman if it was okay to proceed with his opening statement. The letter outlined the loopholes in the current day standards, Jim Grattelo involvement in the project, docks in the same neighborhood not being permitted, etc. John Thompson asked the Board if they felt it would be okay to allow Jim Grattelo more than 3 minutes to speak as he was directly called in the opening statement, the Board agreed. Jim Grattelo started by saying he was the guy that said everyone could have a large dock, but the Board and ORC rejected it. He pointed out to the Board if they approve the application, they would be approving the standards he proposed a few years ago (400sqft dock if they had 100ft of water frontage, 500sqft for 150ft, and 600sqft for 200+ft) stressing the Board would see 200 applications for larger docks submitted tomorrow if they approve this. Jim added there was no demonstrated hardship or need in this application. Kate asked Shawn Hebert, Harbor Master, to share his thoughts on the application. Diane Monaco, Real Estate Agent in town, stated she tells her clients 300sqft is the maximum for docks. Kate explained 300sqft is not a total maximum set as of right now. Craig Shaknis, abutter to the applicant, shared his concerns of the project specifying he is their caretaker for the property and dives for their mooring each year. He was upset there was no conversation before applying. He described to the Board all the other docks in the neighborhood, all adhering to the 300sqft rule. John Thompson asked for comments from the Board. Marty Zartarian asked if the applicant had spoken with the abutters before applying, Steve admitted he hadn't. Marty asked which dock vendor he is using, Steve answered Legacy Docks from Raymond.

Marty asked if he had spoken with either dock company here in town, Steve stated he reached out with no response from either. Marty referred to the current ordinance referencing the neighboring properties and avoiding congestion, referring to a letter from abutter Richard Stauffer claiming he may need to relocate his dock in the coming years due to health concerns. The moving of his dock towards the Bailey's large dock could create the congestion the ordinance prohibits. Marty also stated it is probably hard for the Harbor Master to completely visualize the congestion without all the parts being in the water. Marty suggests he go back to his neighbors to come to an agreement. Marty added when he tried to go to Great Northern Docks for a larger dock a few years ago, they would not sell him a dock that violated the Town ordinances. Steve asked if he received a permit for his dock, Marty claimed he didn't need to because it was under 300sqft. Steve responded based on the ordinance, he would need one regardless. Michelle Bailey (via Zoom) explained they are asking for a new dock based on the old one being unsafe, they had dock companies come out on 3 different occasions last year to try and stabilize the dock with no solutions. John Thompson asked Kate Matthews if she had any comments, and she said it was up to the Board.

Martina Witts asked about the landing on shore being proposed at 6x8 when the standards call for 4ft for access. Kate explained Shawn and Kate would be going out to review the landing and work with the applicant. Martina asked about the older piece of dock in front of the cabin, Steve explained it may have been a dock previously, but they do not utilize that piece. Martina stated if she were to vote on this, she would ask that piece to be removed. Martina asked if the dock pieces would be floats or on poles, Steve stated they would be on poles. Martina pointed out the ordinance states it "may be granted" and not "shall be granted".

Larry Anton asked the reason why they were coming to the Board for a larger dock, Steve responded the older dock was not stable, so they needed to go out into the water further. Larry stated it seemed as though it had nothing to do with safety, but rather they wanted to use it as a deck, and he didn't feel that was justification for the larger dock. Steve responded there is nothing in the ordinance as written that prevents that. Larry agreed but added "that's not the point". Steve explained he can only go by what is written.

John Thompson asked Shawn Hebert if he still stood by his original statement after hearing both parties. Shawn stated he does still hold the recommendation, based on what is written in the ordinances. Larry stated he tries to make decisions that will keep everyone happy, what is the impact of this decision on the neighborhood going to be, always look to the neighbors. Steve stated the decision should be made based on the application submitted and the ordinances as written. Larry again stated he is going to make his decision based on how it affects the neighborhood. Steve stated that is against the law. Laura Shaknis spoke to the Board regarding the proposed dock. Jim Grattelo spoke again on the spirit of the ordinance, stating the spirit and intent of the ordinance allowing docks over 300sqft was for Right of Ways and Associations. He added the 300sqft 'maximum' has been an "unwritten rule forever". Steve stated spirit and intent are not the law, you have to go by what is written.

Shawn asked if he could take a moment to speak with the applicant, he thought of a way to bring the dock down to 350sqft if the Bailey's agree to it. John Thompson asked the Board if they would consider a dock at 350sqft rather than the proposed 432sqft. Robert Fogg and Marty Zartarian didn't think that would make a difference, both proposals are over 300sqft. Jim Grattelo stated if the applicant can prove their previous dock was 350sqft, then it would be allowable since it would be considered grandfathered. Marty Zartarian stated he was still concerned about the abutter and the navigability in front of that home. Richard Stauffer shared his concerns. John Thompson closed public comments. Larry Anton made the motion to turn down the application, Marty Zartarian seconded. All in favor 5-0.

As there was no other business, Marty made the motion to adjourn and Larry Anton seconded. All in favor 5-0.

Respectively submitted,  
Jennifer Leeman  
Asst. to Code Enforcement