



Town of Naples
Planning Board Minutes
Tuesday, November 21, 2023

6:00 PM

1. **Call to Order & Pledge of Allegiance** - D. Bogdan called the meeting to order.
2. **Attendance**- Also present were Martina Witts, Marty Zartarian (Alternate), Kate Matthews (Code Officers), Kathy Eddy (Assistant to Code Office and Planning Board) and Jamel Torres (Planner with North Star). M. Zartarian was appointed as voting member. Robert Fogg arrived late.

A. Do any board members have any conflict of interest with any items being brought in front of the board this evening. D. Bogdan do any members have any conflicts tonight M. Witts and M. Zartarian do not. R.Fogg came in late and abstained from voting on Edes Falls Road application.
3. **Review of Meeting Minutes** from 09-19-2023 that was tabled last meeting and notes from 10-17-2023, Motion was made by D.Bogdan that both minutes will be tabled until next meeting due to not having the members here that were at that meeting and that one of the members did not get them until late.
4. **Old Business**—Was on 10-17-23 planning board meeting-- Map U10/1-A Minor Subdivision Application for 4-Units of Residential Apartments at 374 Roosevelt Trail. JP Conley with DM Roma Consulting Engineers here to present a site and subdivision plan to you. On the plan we have added an additional six trees planted along the boundary between the two lots. A vehicle turnaround has been added to the plan at the request of the fire chief. We have been working on creating a road name and come up with Treasure Lane.

M.Witts- The two uses are incompatible residential up against commercial it actually falls into a class two buffer that we have in our ordinances which ask for a 25-foot-wide buffer between the two uses. The developer, that is due to the fact that there will be a rip rap adjacent to the buildings. There is a sediment four bay prior to water entering the pond and the bottom of the four bays will be rip rap to allow water to un silt itself before going into the pond.

M.Zartarian- The retention pond looks like that spot for the pond is right up against the house. The developer, it is very close to the building we do have the sediment four bay and then the building is adequate. There are no parameters for proximity for this.

K.Matthews(Code Enforcement)- Are you going to have some erosion control measures? The developer, yes, we will have erosion control. There is a detail sheet that shows erosion control notes and how it needs to be done.

M. Zartarian- Are these units going to have cellars? The developer, that is a good question that he was not aware of, has not seen the plans yet to know that answer.

M.Witts- There are a strip of trees along the edge currently are they going to be impacted by the building? The developer, we are not proposing any additional clearing of trees out there.

M.Witts- Did you receive a DEP stormwater permit since it was not on the plan that we had with the initial application packet? The developer, that was missed on the first submittal of the application packet the order that we got from DEP is dated 5-26-22. The permit was not applied for or reissued just for this development it was for what was previously applied for on this property.

M.Witts- The planner memo stated about lighting that the developer gives details of the lighting to ensure any possible lighting spill over in minimized at the property lines. The developer, there will be no exterior lights aside from the building wall packs and the residential lighting with dark sky compliant with vertical shielding, so it is downward facing.

M.Witts- Is there going to be any foundation plantings around the trees or buildings? The developer does not think that there will be many plantings around the buildings or the trees themselves because of the space consideration. We do have a drip edge along the building with stone for two feet wide and some shrubbery might be in front of that.

M.Witts made a motion that the project should be approved. With conditions of 1. The proposed paved vehicle turn-around area should include pavement markings and a sign indicating no parking is allowed within the area. 2. The applicant shall coordinate with the Town for the required street name and provide it on the plans. 3. The applicant shall provide a letter indicating they have the financial capacity to meet the applicable standards prior to issuance of building permits.

D.Bogdan read the twenty-one conclusions of law that the North Star planning wrote up in advance of the meeting. All conclusions of the law were voted on by the board members.

R.Fogg seconded the motion on the table. Motion carried 4-0

5. **Tabled Business--None**

6. **New Business**

A. **Map R06/3** Major Site Plan Review Application for new lot split from Camp Mataponi parcel for residential use.

Esther with Mainland Development who is an engineer and working with the owner of Camp Mataponi to split off 25 acres of the Camp Mataponi property and it would be a

separate residential use. The reason we are coming in front of the planning board is that the property is currently a commercial zone for a kid's camp and the property being split would be for single-family residential use. There are no new buildings or changes to the camp itself just splitting off that lot.

D.Bogdan- Is there a plan to develop on the second piece of property yet? Developer there currently is no plan to develop it the owner will be using it as a single-family home.

K.Matthews- Are you planning on doing further development other than just the one single-family home? Developer it is the intent that it will just be one single-family home.

M.Witts- Asked that they read through the findings of fact since the proposed application is straightforward. The findings of fact were written up by North Star planning in advance of the meeting so that the board knows what we're walking into for the meeting and help with understanding what the application is for.

D.Bogdan read the thirteen conclusions of law that the North Star planning wrote up in advance of the meeting. All conclusions of the law were voted on by the board members. A member from the public stated that the owners of the property applied for a permit with the land management with the US Department of Agriculture and Forestry with no indication of change of use. Are you aware that trees have been cut so any buffers that will come up to be talked the trees are down with a five year look back. Was under the understanding that you do a large cut like they did they need to change the use or specify you're going to change the use.

M.Witts- approved proposed Camp Mataponi Second by M.Zartarian on the table. Motion carried 3-0

B. Map R07/65 Major Site Plan Review Application for proposed Ground-Mount Solar Photovoltaic Development

Drew with WSP and John we are here to represent the applicant and speak on their behalf as best we can. We have printouts not able to do via power point our intent is to give a high level of overview of the project, site and then feedback from the board. This is a project that came in front of you in 2021 and was approved back then, the cluster studies and CMP delays the future of this project was unknown, so we were unable to extend the permanent approval on this project. We were notified that they could start on this project again, however the approval had lapsed so we are here to resubmit essentially the same exact project a little bit smaller footprint. This is a rural zone that was grandfathered in from the solar overlay. We did the work in 2019 and delineated the wetlands by doing a topo and foundry survey. We feel it is a good place for a solar project to be done at. There is a vernal pool that was mapped with DEP, and we did a permit by rule with the DEP. The permit with DEP has expired and we are refreshing it with them. We are also doing the same for our storm water permit by rule that expired as well. Ground mounted solar panels fixed tilt with megawatts of 6,000 modules in there. Will be surrounded by a chain link fence that is by electrical code the area to be fenced in is about 13 acres. Several questions about glare and noise training. These things are going near airports and the modules absorb the light and don't bounce it back. There is a

low hum from the transformer but it's inside of the site in a black box. There will be a lock box for the fire department to gain access if there was a fire. This is a good area for a solar farm since this location is surrounded by woods with about 1,000 feet out to Rt 114 and about 3,000 feet to the two ponds in the area. It might be visible if you were coming down by the old county road, by the outback salvage garage. So, if you were standing by the barn and you look straight up into the site you will see the solar farm.

M.Zartarian- So is it going to be visible from the road? The developer so if you come down Sebago Road and turn onto Old County Road the salvage area is there and the road bends around the building so it may not be visible if you are standing there.

M.Zartarian- Were there any wave requests in this? The developer no, there was a mistake in previous design iterations, and we are looking to maximize the footprint. So, the prior design we were asking for a smaller setback of 20 feet. That was a carryover from an old application.

M.Witts- Did you say it was 2.3 megawatts or is that say 3.4 megawatts? The developer well that is AC and DC so 3.4 is DC and then when that's converted with the inverters it goes to 2.3 AC.

K.Matthews (Code Officer)- Have you addressed the concerns from the letter that you had on 1-6-2020 from Inland Fisheries and Wildlife regarding endangered threatened and special concerned species? The developer not to this point since we were not sure that the project was going to move forward.

John Rand with WSP we do an initial screening and with the software that the company IFW works with it shows up and they come back with any hits in the or within the site area. We did not get any actionable in those initial hits in. We have not had any triggers on this site and will be checking back with them in the coming weeks to just confirm that nothing changed.

M.Witts- New ordinance that the solar farms cannot be on anything greater than a 20% slope, according to reading this goes up to 20%. Can you show us where the maximum is? The developer everything is under 20% through the project area and the stepper area is over on the east side where there is no fencing or modules placed there. The company does not want to install on 20% greater because it is difficult to install and maintain with that slopping.

M.Witts- Since you last came in front of the board the ordinance did change and you are no longer able to use fertilizer that has phosphorus in it unless you have a soil test done that indicates that there's a phosphorus deficiency. It is noted that you will be using fertilizer that has that and it will not be allowed. The developer yes that will be changed to use a fertilizer that does not have phosphorus in it.

M.Zartarian- So it is unclear the distance from the transformer to the property line. The developer used math and stated that it appears to be 750 feet to the property line.

M.Zartarian- Are there any residential properties close by to any of this? The developer stated that the property owners own the abutting lots to this project.

M.Zartarian- what is the decommission plan and when does that get reviewed? Is it after 15 years or 5 years? D.Bogdan that changed with the update to the ordinance and it is every 5 years. The developer stated that 15 years for review was the DEP standard. Will make the update to 5 years since that is the town standard.

S.Hebert resident- Is there an annual or biannual maintenance plan that needs to be done? Since you are planting grass under the panels? The developer stated that there is a bi-annual maintenance plan they go out and mow the grass and check the fencing and make sure nothing is overgrowing in and it is also monitored remotely is if a tree falls or a panel is damaged, they will know instantly and make the repairs. They come out two or three times a year for a manual inspection maintenance program.

M.Zartarian- Last thing is to have an acoustic study to verify the noise being admitted from the transformer. That was added since the ordinance changed since you were last here. The developer is that a separate study or a piece of documentation from an existing facility to serve that purpose. M.Zartarian the study needs to be site specific.

D.Bogdan made a motion to table this application until our next available meeting when they have all the materials ready. M.Zartarian seconded the motion. Motion carried 3-0.

C. Map R12/69A Minor Subdivision Application proposed.

Greg & Diane Speed, property owners with their son in law in the room as well. We are here tonight to request a minor subdivision on the property we own. Our dream was to have a property for our retirement with a family homestead kind of deal. Recently retired and learning about retirement and estate planning and have a good plan for the future that is why we wanted to separate the property. It will be pretty much equal distance 4.3 evenly split. We broke ground in April and are working on building our retirement home when it is almost done. Basically, for estate purposes we want to make a smooth transition and split the property in half.

M.Witts- It is unclear if any new impervious area grading of soil disturbances is proposed for the project, the applicant should clarify which elements of the plan are existing and proposed. The landowner there is nothing new that we are going to do on the property.

M.Witts- There is a lot B that is located across from the land on Edes Falls Road, and you clarify if this is a proposed new lot or will it be part of lot B. The landowner that is a separate lot with a garage and it is going to be kept with lot A.

M.Witts- With all of the splitting does this still meet the setback requirements? The landowner yes that still meets the setback requirements.

M.Witts- We did receive an abutter with concerns of erosion and storm water flow that is happening as far as understanding this was a result of the house that you are building. It does not look like according to the pictures that adequate soil erosion control was done. The homeowner was back in April when we started the construction, and we had several large storms, and our excavator operator did excellent work fixing everything in the area including the neighbors and making sure it flowed. It did have erosion control however it did not slow down the water flow since we had so much. Since then, it has rock and grass seeded no issues since.

J. Torres (Planner)- Would suggest that the deeds you have updated to include like a description of the portion of land that is going to be conveyed to lot A.

M.Witts- The abutter letter was very compelling however it has no bearing on what we are deciding on here today because no additional construction will be happening on the land.

D.Bogdan read the twenty-one conclusions of law that the North Star planning wrote up in advance of the meeting. All conclusions of the law were voted on by the board members.

M.Witts made a motion to approve the proposed minor subdivision with the following conditions that the applicant provide an updated deed indicating that the portion of the land located across the street that is owned by the applicant to be transferred to Lot A on the subdivision plan. M.Zartarian second the motion.

Motion carried 3-0 with 1 abstain.

C. Public Participation for Planning Board Matters

D. Other business

The planning board members had a lengthy discussion regarding planning board meeting materials. A discussion on ORC meeting ordinance of LD2003 and other ordinances that need to be addressed. A talked about short term rentals and other ordinances that should be addressed along with the comprehensive plan.

E. Adjourn D. Bogdan made a motion to adjourn. Seconded by M.Zartarian.
Motion carried 4-0.

Respectfully submitted,

Katleen Eddy

Administrative Assistant