



Town of Naples
Planning Board/Ordinance Review Committee Public Hearing
Meeting Minutes
Tuesday, August 20, 2024

1. Call to Order & Pledge of Allegiance- Doug Bogdan called the meeting to order.
2. Attendance- Also present were Martina Witts, Marty Zartarian(Alternate), Robert Fogg, Jim Allen, Kate Matthews (Code Officer), Kathy Eddy (Assistant to Code Office and Planning Board) M. Zartarian was appointed as voting member this evening to allow for a quorum. Kevin Rogers (Select Board and ORC), Larry Anton (ORC), Jason Ditucci (ORC), Jason Rogers Town Manager

A. Do any board members have any conflicts of interest with the items brought in front of the board this evening. No member of the board had any conflicts of interest this evening.

3. Old Business—None
4. New Business ---

1. Proposed amendments to the Naples Land Use Ordinance- LD 337
M. Witts, the chair of the ORC gave a brief overview of the ordinance. This ordinance is in response to some changes which the state statute requires municipalities to allow manufactured housing any place that they allow regular housing. So we had to amend a few things in our land use ordinance to accommodate that. On the first page is the definition so we had added mobile home to this, and it was struck out by the town attorney that mobile home was included under manufactured housing. Moving forward, in the document you will see the word mobile home and they will be struck out. We are taking out where it says residential uses on page nine for the village district, because this was the one place that you previously could not have a mobile home. We struck out that but shall not include mobile homes or double wide. It reads that single family detached dwellings which may include manufactured house. There was some discussion at the last public hearing about the appearance of what these homes might look like at this point we

do not believe that the town can put any stipulation on the appearance of the mobile home since we do not put a stipulation on regular housing.

J. Allen- So someone could bring in a prefabricated house that actually looks better built. M. Witts stated yes, they can bring in prefab homes.

J. Allen made a motion that the planning board approves the changes to this section. M. Zartarian made a motion to second the motion. All in favor 5-0

2. Proposed amendments to the Cemetery Ordinance

M. Witts, the chair of the ORC gave a brief overview of the ordinance. This is largely an administrative change so that it gives the town manager authority to approve the sale of a cemetery lot before it had to go to the select board.

J. Allen question on the date of the amended on the first page it states 9/5/24? J. Rogers that could likely change after the select board meeting next week when they decide if it should be on a warrant for the special town meeting or go to the election to have it appear on the November ballots.

L. Anton- When you say one burial only for the site, other cemeteries allow more than one burial on the site. J. Rogers stated depending on how big the plot is and whether they are cremated and how many there are.

D. Bogdan- so the municipal officer who does that include? J. Rogers stated that the selectboard has the authority to convey it and they have passed the authority down to me.

J. Allen made a motion to accept the changes to the cemetery Town of Naples Ordinance. M. Zartarian seconded the motion to accept the changes to the cemetery ordinance. All in favor 5-0

3. Proposed amendments to the Naples Design Standards in the Commercial Zone

M. Witts, the chair of the ORC gave a brief overview of the ordinance. This is one that the committee spent a considerable amount of time on. The result being that we enhance the design standards for the commercial and multifamily construction in the commercial zone and the village district. So everything bolded in red has been changed since the last public hearing. The attorney had recommended that we have similar language for this as we do for the solar farms. We are asking for these standards if a structure is visible from a public road or an abutter or great pond. We also took off some verbiage at the beginning of each statement just to make it flow better. In section F we included how the sidewalk would be calculated if there is not a sidewalk at the location, prior to this the application would need to meet with the town manager and figure out a fee to put in escrow. In the middle of page 6 under the prohibited uses we did a rewrite in June and initially taken out flea markets and after some discussion this time it was put back in as a prohibited use since we did not want somebody to argue that flea market was a retail use and have them in the village district.

J. Allen- What if it was an inside indoor flea market that someone took an existing storefront downtown and wanted to put a flea market up inside. M. Witts stated the intent is outside flea markets.

The criteria and standards section and section 908 we made a few changes in the buffers rather than talk about height of trees we felt that it had been four feet high which is

really a large bush not a tree. So we moved to talk about the caliper of the tree trunk. Generally speaking a three-inch caliper tree at chest height would measure to approximately a 12-14-foot-high tree. We also reduced the size of the buffer in the village district to five feet width because sometime in the village district you do not have as much frontage. We added flower boxes and planters. The fencing says chain link fencing and other fencing as similar materials are determined by the planning board are not permitted in the village district between the edge of the right of way and the building. We increased the buffer class between commercial and residential districts from buffer class II to buffer class III. If someone had a shipping container on their property, they would have to screen that as well. Talking about the appearance of the building and vehicular access and making distinct arrows and signage to make the egress and ingress into the parking lot clearer and safer. Parking on the rear end side of the building and then you make a favorable impression on the façade of the building. So if you put the car park on the side or rear of the building you should make the look more like the rest of the building.

J. Allen- What if somebody wants to put up a fence in their yard for the dog to run around. K. Matthews stated this is for commercial zone and village district.

J. Allen- If a building footprint shall be varied. So there are no pronounced changes in wall planes. So then there are no stray walls longer than 75 feet facing the public street or parking area. Can that be broken up with just some sort of bump out or something added to the exterior of the building? K. Matthews stated that is the intent that we are looking for the structural integrity is the biggest thing obviously.

J. Allen- If you were to build a building without an overhang because they had something else coming off the end does that count as the overhang? K. Matthews stated that it is more aesthetical and be discussed when at a meeting when it is brought in front of the board.

J. Allen- What is the definition of visual overload? K. Matthews stated we do not have an exact definition for the term visual overload.

J. Allen made a motion to accept the recommended changes to the ordinance. M. Zartarian seconded the motion. All in favor 5-0

4. Proposed amendments to the Naples Property Maintenance Ordinance

M. Witts, the chair of the ORC gave a brief overview of the ordinance. This is a brand-new ordinance, which is why it is all in red. After the first public hearing legal looked over the property maintenance ordinance they had not looked at it before the first public hearing and had some input on it after the reviewing it. The attorney feels many of the objectives we are attempting to achieve are enforceable under state statutes. Unless there is an immediate need to push this ordinance through it might be worth waiting until we can determine if there is a gap in these statutes that we are attempting to address.

J. Rogers stated there is no clear mechanism for the town to recoup money. We cannot put in the ordinance like it reads know that the property owner would owe us money for what it took to remedy the property. There is no clear mechanism we would

have to take the owner to court and have lien put on the property to eventually recoup the money. Us going with the state statues allows us to address health related issues. The lawyer suggested maybe taking a harder look at this and reviewing another towns ordinance they had and incorporating some of that language.

J. Allen- What about brush stumps, can that be buried in a foundation? M. Witts stated that it does not mention that. K. Matthews stated that if the material is naturally recurring than that would be good.

J. Allen made a motion to accept this new ordinance called Naples Property Maintenance Ordinance. M. Zartarian seconded the motion. All in favor 5-0

5. Public Participation for Planning Board Matters- K. Rogers spoke with the board regarding the October Festival that will be held in Naples this fall, which is what is happening with the events committee.

6. Other business

1. Next planning board meeting is scheduled for 9/3/2024

7. Adjourn

Kathy Eddy

Assistant to Code Enforcement/Planning Board