



## **Town of Naples**

### **Planning Board Meeting Minutes**

**Tuesday, August 6, 2024**

The Naples Planning Board conducted a site walk for a proposed Dollar General located at 642 Roosevelt Trail (Tax Map U02, Lot 24).

1. Call to Order & Pledge of Allegiance- Martina Witts called the meeting to order
2. Attendance- Also present were Marty Zartarian(Alternate),Sue Fleck, Jennifer Leeman(Alternate), Robert Fogg, Jason Rogers(Town Manager), Kate Matthews (Code Officer), Kathy Eddy (Assistant to Code Office and Planning Board) and Samantha Peikes (Planner), Ben Smith (Planner). M. Zartarian and J. Leeman were appointed as voting members this evening to allow for a quorum.

A. Do any board members have any conflicts of interest with the items brought in front of the board this evening. Robert Fogg has a conflict with the first items in front of the board this evening and will recused himself.

3. Review of Meeting Minutes from 7/2/2024 and 8/6/2024
4. Old Business—None
5. Tabled Business—Map U02 Lot24 Major Site Plan Review Application for Dollar General

Bob Berry from Main Land Development Consultants representing my client most of you came out to the site walk the project is substantially similar to what you have already seen. Changes that revolved around the comments provide by the planner were worked out and given to the town to talk about and address all the comments. We have other team member here tonight we would like to introduce such as Samantha Adams an Attorney for the property owner and Steve Dunn Herrimans Architects, Mark an Attorney, Tanner Binnett staff engineer from Main Land Development Consultants. We can go over the details and would like to welcome a discussion with the planner and the board with the items presented tonight. So we are aiming for a finding of completeness tonight so that we can move this process along.

S. Peikes stated that the packet was received shows different site plans and different parking layouts just wanted to make sure we are consistent with the plan. That is something that would need to be consistent for the finding of completeness is due. We are still missing the letter from the fire chief and the splitting of the land. We would need easement language about the property and creating another pond on that property.

B. Berry stated we are proposing a parking layout in the side we were asked by the board to show a different layout of parking in the back to meet the current day standards. We are asking the board to consider this as a better solution for the neighborhood, for the zone, for Dollar General and finally the neighbors. We have information from some of the neighbors to have the parking in the front instead of the back and would like the board to allow that to happen. The letter from the fire chief was in the first pack for the meeting that happened on 6/18/2024. The easement for the stormwater pond the first pond is on lot one and this is in the back of lot two which is owned by the same property owner and leasing the space to Dollar General. There is language written into the deed about the easement. Samanta attorney for the owners stated there is a separate easement that has been signed between the two entities that has not yet been recorded.

S. Peikes stated that if you want the parking on the side which is different from our ordinances that you would need to request a waiver as to why you can't and propose an alternative with a layout.

M. Witts stated what the planning board is prepared to do this evening is to find that the application is mostly complete and there are still some things outstanding and that we are at a stage where we can review the application. Make a motion to find the application mostly complete and needing easement and DEP SLODA permit. Motion made to find the application mostly complete and needing a few things. All in favor 4-0.

M. Zartarian- So Abby Way is that going to be a public road? B. Berry stated that it is a private road owned by the applicant.

M. Zartarian- As for the trip rates, how ere the trip rates established? B. Berry the trip rates were established using the 11<sup>th</sup> edition of the international traffic. Our office hired an outside traffic consultant with Barland Judas, and they are a national engineering firm and provided a memo which is in your material talking about the trip counts which were substantially unchanged from the eighth edition. We are under the hundred trip ends so we do not require a DOT traffic movement permit, so DOT did approve the entrance permit.

M. Zartarian- So is this based on yearly, monthly, daily? B. Berry stated that they take an annual average of the traffic. They come up with two numbers one is the average of daily traffic which is like 400 and something trips and then there is another number much smaller number like 79 and that is for the peak hour.

They give you those numbers for every day. You then look at all the figures and see which one is highest and that is the one you apply to the site.

M. Zartarian- So is there any seasonal adjustment to that, the traffic in Naples is different from September-June vs July-August does that number been quantified? B. Berry stated the person doing the work looked into all of that and was the same person who did the work for the light at the intersection near the grocery store.

M. Zartarian- Can you provide the seasonal numbers that were used for the July-August traffic pattern? B. Berry stated we will ask for that information for you.

J. Rogers- Was there any discussion about extending the center turning lane? B. Berry stated that he was not aware of any talk from DOT about extending the center turning lane. The DOT reviewed the crash data in this area and approved the entrance permit as is.

M. Witts- How do we know when the traffic trip gets over one hundred are we periodically checking this? J. Rogers stated that would fall to the road commissioner if we notice significant amounts of traffic coming in and out of the location or notice increased congestion plus accidents. We would then reach out to DOT and report what we are seeing that would trigger them to conduct an additional study.

B. Smith stated that what the applicant has submitted regarding the traffic for the board to review is part of what is needed if there are additional things the applicant can present them to the board for review. Part of the standards are the distance from signaled intersections and distance from a budding intersection. That will help the board understand if the applicant meets those standards the distance from the intersection and the number of crash locations.

M. Witts- Thought you needed to be two hundred feet away from another major intersection. B. Smith looking at the site plan performance standards for vehicular access it states private entrances exits must be located fifty feet from the closest signalized intersection and 150 front the closeted signalized intersection. B. Berry stated they would be happy to provide the distance number for the board.

M. Zartarian stated that the class two buffer is required between commercial and residential properties and that would be twenty-five feet wide with a 10-foot wide naturally vegetative buffer. It looks like the applicant wants to cut more than inside the 10-foot window from what we talked about. B. Berry stated that you are referring to the stretch of land between the property line and the back of the building. We do have the twenty-five feet between the property line and the building. The applicant owns the woods, and he has every right to go in and cut whatever trees he wants. If he does not provide a buffer meeting the class two buffer standards or he instead proposing a fence. We will have ten feet of vegetation within the twenty-five feet setback from the property.

J. Leeman- Is there a reason the storm water pond is so close to the property line and is there vegetation in that area that will be disturbed and going against the class two buffer? B. Berry stated there has come forested area left between the top of the pond slope and the property line. The pond is not a structure, so setbacks do not apply. This is a standard site practice that is a grassy slope and a pond and not a building. So vegetation will not be cutting down all the trees.

J. Leeman- So if there is no specific reason for the pond to be that far down the property line why can we not bump it up a little bit to accommodate the grading to help with the floods that happen during the spring. B. Berry stated DEP standards the chapter five hundred stormwater pond design standards which we followed on this pond design so the slopes those are cookie cutter designs straight out of the DEP manual. We put the pond in that location because we wanted to, and it is his property he has the right to put the pond where he wants. That is where we decided to put the pond.

M. Witts- We did talk about making the fence eight feet instead of six feet. S. Dunn stated that since we are dealing with tenants that have to maintain things we selected a dollar general standard fence design that is where the shadow came from.

Abutter residents made a statement that they are looking for some kind of buffer, a good buffer to remain as much as possible and the fence to be at least eight feet all the way from the rt 302 to the end of the project. Why do you have to cut down trees that are 30/40 feet high and replant with six-foot-high trees, why can you just leave those trees? B. Berry stated those are my clients trees and he wishes to cut them down. We want to put a building at this location, and it meets setbacks and there is no reason we cannot put a building right there. At the request of the board and neighbors we will figure out how much buffer and how much more screening we can do there. Is it possible for us to pull that tree line further from the property line and leave more trees than we are proposing right now, we can look at that and see what we can come back with next time.

M. Zartarian- What is the material the fence is made out of? S. Dunn stated that the material of the fence is white cedar wood.

M. Zartarian- Is there an option for the material to be structured engineered material so that it requires no maintenance. S. Dunn stated that is possible and would look into that.

J. Leeman stated that if an eight-foot fence is required that is an international code and that would have to be structurally engineered and stamped.

M. Zartarian- So the impervious material is now over 40,000 square feet of impervious material in the plan. B. Berry stated that is broken down into three areas which is one lot the building area, lot two the remaining area and then the offsite which is between the pavement, building concrete curb those are the non-

re-vegetated on this table called the impervious areas. That is the DEP standard of 43,560.

M. Witts- The façade, the windows referred to blackout. Are they actual windows or are they faux windows? S. Dunn stated the intention is that they are an actual window and will have a coating applied to the inside of the glazing that happens at the manufacturer. A wall will be installed, and you will not be able to see into the store and does not become a security risk for the store.

M. Zartarian- Can we look at the photometric drawing? The elevation flow plan. So the length of the building is over one hundred feet? S. Dunn, which is correct, it is over one hundred feet. M. Zartarian stated that straight line exceeds seventy-five feet and really does not look like surrounding buildings which is one of the requirements that we have in our ordinance that really does not look at all like the surrounding community. So would like to see that changed to be more reflective of the surrounding buildings in the community between the barn and the building across the street. S. Dunn state that well made comments are nice and we will take that into consideration.

S. Fleck- When you drive down Abby Way and turn into the parking lot what view of the building am I looking at? S. Dunn stated that you are looking at the left elevation view and if you are looking at the building from Rt 302 you are looking at the gable of the building and coming down the hill you are looking at the top.

M. Witts- What is the pitch of the roof? S. Dunn stated that it is five twelve.

K. Rogers a resident talked about the dimensions of the parking lot spaces and access ways and truck circulation/deliveries. Is there going to be enough parking spaces for the project that is taking place? Best access we can and have one turning lane in and two turning lanes out and some kind of illustration. Will there be an island between the one road in and the two roads out to go left. The dumpster on the site walk the area is pinned not behind the building and wonder if it can be seen from Rt. 302. Will it have a fence and can it be moved to be behind the building to not be seen from Rt. 302 then protect it. Maybe we ask that they increase the vegetative buffer around their building.

B. Smith stated that deliveries of products would need to be for the applicant to discuss and see if the items will be delivered via tractor trailer or a big box truck and what is the amount of turning space that they would need on the site. Normal passenger vehicle portions are fairly standard, and the ordinance calls for a nine by eighteen parking spaces with 24-foot width when you have parking spaces on two sides in the parking aisle down the middle.

B. Berry stated that we will consider that extra vegetation when we do the rest of the design. The truck traffic is a standard of Dollar General and they did the engineering to see whether the truck traffic goes there, we did not show you that and will show you that next time.

M. Zartarian made a motion for a public hearing, J. Leeman seconded the motion for a public hearing. Motion carried 4-0

## 6. New Business

- a. Map U03 Lot 23 Major Site Plan Review Application for Moose Landing Marina 8,000-Gallon Fuel Tank

Rick Dunton Main Land Development Consultants representing Moose Landing Marina also here tonight is Jason Allen from the marina. We are here for a major site plan amendment for a fuel tank. The fuel tank was originally amended, reviewed, and approved in 2022 by the previous board and that amendment changed the position of the fuel tank and the increase in the size of the fuel tank. We are coming back in front of you tonight and we want to increase the size of the tank further to limit the number of deliveries needed and recognizing the demand of the fuel. The tank that was previously approved had never been installed. On the map in orange is where the current tank is and where it is going to be moved to. The green diminish the piping change basically tying into the existing line with the new tank.

M. Zarartian- So the old tank will be removed is it an underground tank?

R. Dunn stated that the old tank will be removed, and the position moved slightly a little bit more out of the way, and it is an above ground tank.

R. Fogg- So these are both above ground tanks? R. Dunn stated that both tanks are above ground. J.Allen stated that the current tank is under ground and the new replacing tank will be above ground.

M. Zartarian- How is the tank reviewed at that point for say a slow leakage found in the that tank and what are the remedies going to take for that? R. Dunn stated that if there were a case of sort of leakage than DEP would be involved. M. Zartarian- Who would report a leakage or review that to ensure that there is not a leak, and the tank is sound or needs to be removed? R. Dunn stated all parties have an obligation to report any sort of spill ad evidence thereof. That is a DEP law that all parties have to report.

S. Fleck- Does DEP have to be on site for tank removals anymore? R. Dunn stated he is not aware or not if DEP needs to be on site for the removal of a fuel tank.

J. Leeman- Have you already been in communication with the state fire marshal's office for these as they oversee it a well. R. Dunn stated that they have been in contact with them regarding this project.

J. Leema- Has the State Fire Marshall's office weighed in on this matter? Having a hard time finding comments on that in the material. J. Allen stated that the State Fire Marshall has weighed in through Portland pump

they work together. Will get the information from Portland Pump submitted to the town.

J. Allen stated that the state requires an inspection of the fuel tank every year and as part of that the soil around that area is checked and every year we have passed.

M. Witts- So where you are putting the new tank, nothing is in that spot right now and it is a cleared area? R. Dunn stated yes, it is and on the edge of the gravel.

J. Leeman- Is this in the flood hazard area since the new flood zone map came out? Might need additional anchoring.

M. Zartarian made a motion to approve the application. R. Fogg seconded the motion. All in favor 5-0

b. Map U33 Lot 12 Minor Site Plan Review Application for Fire suppression Improvement, Underground Storage Tanks & Transmission Main

Phil McDonald with Underwood Engineering is working with the town to improve their water fire system suppression system. The work will be done behind the fire station. They do have some tanks outback they have a life expectancy and are not big enough to meet the needs right now. The fire suppression system is at a lower elevation and do not provide the same amount of pressure. Putting the underground storage tanks and connecting them to the existing fire line pump line. We did it this way since the budget was limited for the project. The construction is going to be accessed through upper Orlando Road. The town has a current easement in there.

M. Witts- Are you going to be loam and seed it when it is done. P. McDonald stated that it will be seeded when it is done.

R. Fogg- What are the tanks made of? P. McDonald stated that the tanks are made of concrete and reinforced concrete.

J. Rogers the tank is about 20,000 gallons total. They provide firefighting water to the hydrants coming down Rt. 302 in the causeway. That is not enough to make it way to any kind of firefighting effort on the causeway which is what necessitated the need for the new design.

S. Fleck- In the future if the town wanted to expand is there room for that? P. McDonald stated yes, they would, however it would be limited due to the room available.

J. Rogers we budgeted for this project with two hundred hours of supervisory hours so we can have a third party to ensure that key checkpoints are met and both when they are digging and installing the new tanks to make sure the tank integrity is there.

M. Zartarian- The hours of construction works state 7-5 except on holidays. So does that imply that it is Monday-Friday or is it seven days a week? J. Rogers stated it will be five days a week, the hours have shifted, and the work will be from 8-5 Monday-Friday. If they need and want to make sure this is done before the snow flies, we might need to include some weekend work and public notice if that would be a required would be done.

M. Zartarian made a motion to approve the plan. M. Witts seconded the motion. All in favor 5-0

7. Public Participation for Planning Board Matters- ORC is working hard on ordinance and have two Public Hearing one on 8/13/2024 and the other on 8/20/2024 and have gone to the lawyer and will be available before the first meeting.
8. Adjourn- M. Witts made a motion to adjourn and R. Fogg seconded the motion.  
All in favor 5-0