



**Town of Naples  
Planning Board Meeting Minutes  
Tuesday, June 18, 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), Sue Fleck, James Allen, Jennifer Leeman(Alternate), Jason Rogers(Town Manager), Kate Matthews (Code Officer), Kathy Eddy (Assistant to Code Office and Planning Board) and Samantha Peikes (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? No one has a conflict with the items in front of the board this evening.
3. Review of Meeting Minutes from 4/16/2024(M. Zartarian made a motion to approve. Seconded by J. Allen. All in favor 3-0), 5/7/2024(M. Witts made a motion to approve. Seconded by M Zartarian. All in favor 3-0), 5/21/2024(M. Witts made a motion to approve. Seconded by M Zartarian. All in favor 3-0).
4. Old Business—None
5. Tabled Business- Map R07 Lot 22--- Amendment to a Major Subdivision application for the Oak Knoll Subdivision- James Seymour Civil Engineer with Sebago Technics representing Mr. and Mrs. Jeffrey/Shelly Juno with this project in front of you. Survey Inc. prepared oak Knoll Subdivision nine lot plan, and we are providing the engineering of the application material before you tonight. This application came in front of the board December of last year and we were asked to return with some more information such as wetlands, additional restraints on the lot to see what the development was. It was previously approved two separate times however they were never recorded with Cumberland County Registry of Deeds. This subdivision is on Dutton Road and Songo School road and has no internal road and we have added an open spec area of four acres to meet the requirements of the subdivision ordinances. We also indicated on the plan dark green areas, and they are the buffers for the phosphorus. We did make some changes since the nineties and brought them to the current standards, and we meet the phosphorus

export based on the buffers that we are using. We placed on the map areas of what would be cleared for the placement of the homes and septic and what will remain still vegetation. We are looking for either a preliminary or final approval whichever the board decision it is pretty straightforward.

D. Bogdan- What are the dark green areas on the map? J. Seymour stated that those dark green areas are the buffers the wooded area and will remain in their natural state. The light green areas are just tree areas.

M. Witts- The applicant requested a waiver regarding showing the subsurface sewage disposal, can you explain why you decided to ask for that waiver? J. Seymour stated that these placements are approximate on the plan we are not sure of the actual location of a home. We are asking that this be deferred until the new homeowner decided where they want to put the house and submit a plan with the exact location we do not want to limit the homeowner where they have to build and the size due to the location of the septic that has been approved in a specific location.

M. Witts- What are the mechanism by which a driveway needs a culvert under it since lots can be sold at different times, not familiar with the topography looks like? J. Seymour stated that would be up to the road commissioner to determine the culvert locations on a case-by-case basis. Lot 4 is an area that is reserved for cistern which was part of the original application that we gave in December so there are plans to install the cistern for fire protection for this development and will help the homes further down the road.

M. Zartarian- Since Dutton Road is a smaller road we asked that it be reviewed for traffic by the road commissioner, has that been done? J. Seymour stated that he was not aware that had been done, we did submit that this road is a town road. The town did some work on this road this spring and it is a larger road than before since it has a subdivision down the road from this location.

M. Zartarian- Noticed some differences on the map with incorrect lot area and we would need those corrected before we could sign off on a plan. J. Seymour we will be working with Survey Inc., to have the clerical errors they will need to correct we are just the engineers to the project.

M. Witts- the white area on the map what is that? J. Seymour that is a wetland area and is reserved for the open space as required on the subdivision.

D. Bogdan- Does it have a lot number? J. Seymour it does not have a lot number we are identifying it as an open space area which will be retained by the Juno's.

D. Bogdan- Sam(planner) should that have a lot number? S. Piekas stated that there should be a lot number for that space.

K. Matthews- Each of the buffers should be mentioned in each and every single lot deed that is outlined on the plan that you submitted.

M. Zartarian- The dark green areas are the buffer for phosphorus on each lot and those calculations that you submitted are correct, do they reflect those buffers? Who authorized or approved the study? Does that consent to DEP? J. Seymour stated that they reflect the buffers, the study for the buffer was done by Sebago techniques, because of the town standard that is why they did the buffer, and it is not a DEP regulatory. If they went with an internal road, we would have to follow more DEP regulatory and since it was under 14 lots.

M. Witts- Your office code enforcement would rather have the infrastructure in place? K. Matthews stated we would want to make sure the infrastructure is in before we grant building permits since the town has had many subdivisions not finalize the infrastructure and then it gets lost in translation. S. Fleck- What makes you comfortable and what makes us comfortable to know that it is going to happen? J. Juno stated that the cistern tank would be placed, has a property under contract and signing extensions to move forward with the sale so he can build. The cistern tank will be in before the first certificate of occupancy is issued.

J. Allen- What is the fire chief asking for? Is it a pressurized tank or is it just a tank in the ground holding water? J. Juno stated a 10,000-gallon cistern tank because a retention pond nearby does not hold water. So he up it to 15,000-gallon tank to help cover the other subdivision down the road. This is a tank in the ground that will hold the water and the pump truck would hook up to it and get water and to wherever it is needed. It will have a dry head on the top of the tank.

M. Witts- Is the letter from the fire chief in the packet? J. Seymour stated we did reach out to the fire chief and that they did not have the letter from him nor did the board.

J. Allen made a motion to approve this project with conditions that the lot numbers and the notes that are necessary get changed and added to the plan. The buffers go on all of the deeds and on the plan if it is not already listed on the plan. The cistern tank need to be in and functional before the first certificate of occupancy is issued. A letter from the fire chief with what is required for the cistern tank. S. Fleck made a motion to second the motion. All in favor 6-0.

## 6. New Business

A. Map U15 Lot 19--"ROW THREE"—Old Songo Locks ROW Three Association for Dock Application with a challenge to the original planning board approved dock permit.- D. Bogdan stated we were contacted by the town attorney and so on the advice of the attorney we are going to table this indefinitely as this is a civil matter and will not be heard before this board.

B. Map U02 Lot 24—Major Site Plan Application for Dollar General Store- Bob Berry with Mainland Development Consultants here tonight to also is Steve Dutton an architect with Harriman and Tanner Bennett with Mainland Development Consultants. We are here to talk about the Dollar General store that will go between Gary's and Moose Landing Marina. This is about 7 acres of land that is colored on the map, it has a stormwater pond already existing in the front corner. Currently it is a boat and trailer storage area for the marina. The store will be on 1.7 acres on this parcel and 4.8 will be the rest of the land retained by the current owner. The Dollar General store will be approximately 10,600 square foot store at the front of the lot. The layout that is presented to the board is the standard store and the architect can explain the modifications that were done shortly. The car parking is on the side of the building with access to a small utility area and woods along the edge with plantings all around to meet your buffer planting requirements. This property does have wetlands and we will not be going near that area of the property. A DEP permit has been submitted that same time we submitted this one and that is taking a little more time it will

be for the stormwater pond for this project site. Steve Dunn from Herriman Architects and Engineers we had some feedback from the planner and the landowner had conversations with people in town and we made some concessions about the look of the building. On the side of the building we only planned on fake shutters and after much discussion it was asked to put in windows even though they would be blackout since they did not want to see into the store. The standard store would be a metal building with a flat roof pitched slightly to one side. We added a cupola on the top of the roof to break up the area and make it more acceptable. We followed the ordinances for the sign requirements.

S. Fleck- So Moose Landing Lane is where in relationship to anything on the other side of the street? B. Berry stated the driveway for this location has been there and is wide enough to use the existing entrance to line up with the driveway across the street.

S. Fleck- Do you approval to have curb cut for the driveway from DOT? B. Berry stated that we submitted a permit for the entrance and have not received an approval at this time.

S.Piekes- The building design that you have shown is not the latest version if you pass that on to the planner. Also the landscaping could be a little bit more in the parking area where the median area and the dumpster itself should be barricaded with an enclosed in fence area. B. Berry we talked with the prior planner, and we have couple of things the area of the media was not landscaped due to winter and plowing. The dumpster will be in the back corner and will be screened.

S.Fleck- It never shows where the trucks are for delivering? B. Berry stated that the trucks will be coming in and backing up in the back on the concrete pad by the dumpsters with a ramp that goes up into the back side of the building that is going to be the warehouse for the store.

J. Leeman- If the parking lot goes against the ordinance completely, what is the process for that? K. Matthews stated that we have ordinances, and the planning board would not be able to make a decision if they are not following the ordinances.

M.Zartarian- So are there any future site expansion plans for the remaining 4.8 acres at this point? B. Berry stated at this point no plans we do not doubt that they will come what and when our office is not sure.

M. Zartarian- So the calculation of the 39,560 square feet, how did you come to that number? B. Berry stated that the area is the non-re-vegetated surface sidewalk building pavement. We use a software system called AutoCAD that figures out this stuff. Our office can double check the figures for the next meeting and bring a breakdown of pavement versus sidewalk versus building.

S. Fleck- Before the site walk can we have the trees and vegetation area that are going to be removed as well? B. Berry stated that sure the trees and vegetation area can be marked as well.

J. Allen- Can you stake out the corners of the building and the parking lot using assorted color ribbons for the site walk including the driveway entrance? B. Scott stated that certainly we can do that for the board.

S. Fleck- Do you have any feelings for when you are going to get your green light from the Department of Transportation? B. Berry stated we have no idea on time the state at all levels is a little backed up right now all paperwork has been turned into them and we have not heard anything at this point.

J. Leeman- Do you have the thickness on the vegetative buffer? B. Berry stated it varies obviously like 10-12 feet to just a few feet from the property line. We are also planning on putting in a fence.

J. Leeman- Would it be unreasonable for you to put together redesign showing the parking lot behind the building as it should be according to our ordinance? B. Berry stated that is not unreasonable that they can talk with his client about it and submit a new design.

M. Witts- Reading from your document you submitted, and it states appropriate 79 trips during peak hour according to the grip generation manual eighth edition, surprised that number was so small and why you used such an old manual. There is an 11<sup>th</sup> edition out. B. Berry stated he is not sure why the old manual was used and can look into that. We will look into using another manual and check the numbers and get back to you since we are not traffic engineers.

M. Witts- Looking at the landscaping plan nowhere in our ordinance does it talk about gallon sized plants it talks in terms of how high they are. A two- or three-gallon plant like a Norway spruce is about 18 inches tall and our ordinance calls for at least a minimum of a four-foot-high tree. So a rework of the landscape plan indicating actually how tall these plants are going to be. Will this landscape be filled with mulch and maintained by a garden service or are you just plopping a plant in and hoping for the best in a rainy season? B. Berry that is a great loaded question and not sure about that and would need to get back to you on that.

M. Witts- Was just reading the phosphorus analysis and would be asking for a third party to review on the phosphorus analysis there is a lot going on here and Brandy Pond, Sebago Lake are at risk. B. Berry stated that DEP will be doing their own stormwater review on this matter as well.

M. Witts- So where is the rural zone on the map? B. Berry stated that on the site overview plan in your packet and there are actually three zones on this plan which are commercial/rural/village. The rural zone is in the back portion of the property, the village zone abuts the side of the property, and the commercial zone is the majority of the property were the building will be.

M. Witts- So where the wet pond is, that is rural? B. Berry stated that is correct down where the wet pond is that area is rural zone.

J. Allen- That is not a limited commercial zone down there? J. Leeman- Do you have a measurement to the bold line on the map? B. Berry stated that is 500 feet so that would be a regular rural zone.

M. Zartarian- What is the distance from Brandy Pond to each of the property lines to the retention pond. B. Berry stated from where the retention pond is it is 270 to 280 feet depending on where you take the line.

M. Zartarian- On the plan you have an area that states future plans for expansion? B. Berry stated that is future expansion for the Dollar General that sometimes these stores need a little extra storage warehouse space and if they decide they need that they can expand it.

M. Zartarian- Was that part of the impervious soil calculation? B. Berry stated no, we are not proposing that expansion right now so we only showed it to say it could be possible to be expanded.

J. Leeman- So if they need an expansion ever instead of just getting a building permit they would need to come back in front of the board. B. Berry stated that is correct they would need to talk with the board.

M. Witts- the pylon sign that will be standing at the end of the road is that going to be a typical 32 square feet. B. Berry states yes, it will be the maximum that your ordinance allows which is 32 square feet.

M. Zartarian- Are the powerlines aerial power lines or are they going to be underground power lines? B. Berry stated that they will be underground power lines.

The property owner from Bay Village Road asked what is going to happen with parking lot lights, since from my property you can see right onto that property, we see the boats it is not hidden? Why do we need another store we already have a Family Dollar and Bridgton has another Dollar General Store. So is the store going to be 500 feet away from the property line? D. Bogdan stated that no it will not be 500 feet from the property line. The 500 is the distance from the road to the end of the commercial zone on that property and that 20 feet set back to the buffer. Will the lights be going to be on 24 hours a day? B. Berry stated that according to the ordinance it requires the lights to be shut off after one hour after closing and then it is limited to security lighting after that.

Another resident of the town asked if the DOT says sure you can put a road there is it a done deal or are other things that can happen thoughtful things that could make this project null and void? J. Leeman stated that as long as they check all the boxes there is no reason for us to deny the project.

Another resident of the town made a statement of a concern about shared access to the property and the future development of the land. This is the area that development should be, it will just be a matter of managing the traffic. We need to have DOT aware that there would be additional commercial use there. The town has run into a situation were a lot was split for potential commercial use the signage was for the single lot and when the road was actually intended for multiple commercial uses in which case the site should be considered for multiple commercial uses.

S. Fleck- The plan does show a sidewalk coming off the existing sidewalk going into the building; that is something you are planning to install. B. Berry yes, we are going to be doing that with the sidewalk.

Another resident of the town asked about the lighting and if the business gets a delivery at three in the morning will the lights go on full? J. Leeman stated that the security lights would be able to accommodate for the deliveries. What constitutes security lighting? D. Bogdan it would not be there big overhead parking lights it would be more lights that are on the side the building. Another member from the design team stated that the security lights will be placed above the doors for safety reasons to prevent stumbling into the building.

B. Berry read two emails from businesses close to the proposed building in that location.

S. Fleck made a statement about the town and the history of it and strongly consider what the outside of the building will look like to make it feel like other businesses in the town.

D. Bogdan stated that the next step is to table this item and set up a site walk after getting the information that that board requested for the next agenda. Motion made by J. Allen to table to the next appropriate meeting. Seconded by S.Fleck to table to the next appropriate meeting. All in favor 6-0

7. Public Participation for Planning Board Matters- Discussion about the select board moratorium on commercial new commercial construction. Looking to add design standards our site plan. The lawyers are drafting a moratorium ordinance for the new commercial construction.
8. Other business- S. Fleck had a few questions, the first question regarding the time of the ORC meeting, K. Matthews stated that would be talked about at the next ORC meeting. S. Fleck when we are talking about site walks you stated we can not talk during them a call was made to Maine Municipal and asked them about site walks and not being able to discuss anything there, it was told that as long as it has been advertised to the public that the public are welcome and that will allow us to ask questions during the site walk. The only way we would not is if the town had an ordinance that trumps that. Further discussion regarding her site walk question.

J. Allen made a motion to keep the chair as D. Bogdan and the vice chair as M. Witts. M. Zartarian seconded the motion. All in favor 6-0

9. Next meeting is 7/2/2024

10. Adjourn- J. Allen made a motion to adjourn the meeting. J. Leeman seconded the motion. All in favor 6-0