

TOWN OF NAPLES
Planning Board Meeting Minutes
September 7th, 2021

Video link <https://www.lakeregiontv.org/Video-Archive/Video-Player/VideoId/17148/Naples-Planning-Board-972021>

There were two site walks preformed at the following locations, starting at 4:30pm.

- 1) Site walk at 18 Olde Village Woods for proposed solar project
- 2) Site walk at 281 Harrison Road for proposed solar project

Meeting followed, starting around 6:15pm.

Chairperson Doug Bogdan called the Planning Board meeting to order. Also present were John Thompson, Martina Witts, Marty Zartarian, Larry Anton, Robert Fogg, Planner Ben Smith, Code Enforcement Officer Kate Matthews, and Assistant to Code Enforcement Jen Leeman.

Doug Bogdan appointed the Alternates Larry Anton and Marty Zartarian as voting members for this meeting.

Minutes from 8/3/2021 were reviewed, John Thompson made the motion to approve, Marty Zartarian seconded. All in favor 4-0. Abstained were Robert Fogg, and Larry Anton due to not being present at that meeting.

Old Business:

- a. A Major Site Plan review submitted by Long Lake Marina for property found on Tax Map U25, Lot 42 to construct a 24,000 sqft boat storage building with a 2,116 sqft sales office attached, including a septic system and well. Also proposing a new parking area and modifying the access easement. Regarding a Variance Appeal.

Dustin Roma (DM Roma Consultants) gave a brief history on the progress of the project and previous interactions with the Board and Board of Appeals. Dustin explained the process, since the Town Attorney deemed the first approval unlawful and the Board did not have the authority to approve the project waiving the dimension standard. The applicant went to the Board of Appeals on August 31, 2021 and was granted the waiver to accept the 3/12 roof pitch. John Thompson made motion to approve – Marty Zartarian asked what the threshold was for the BOA to approve, are other applicants allowed to ask for 3/12 pitch the same way residents can ask for up to a 10ft property line setback. Ben Smith explained there isn't a set number for the dimensional standards, it is a case-by-case situation. Larry Anton mentioned in this case particularly the building is located outside of the 302 corridor and won't be seen by many people. Jim Grattelo stated the minutes should take note of this, and the roof pitch will have a minimal effect on the community. He wanted know what the hardship was demonstrated by the applicant. Ordering the building before the Ordinance change is the Hardship for the building. Jim Davenport (applicant, LLM Properties) stated dropping the height of the building to accommodate the 5/12 pitch and the 55' heigh restriction would eliminate the entire 4th tier of storage rental spots. He also mentioned the whole reason is to eliminate the use of shrink-wrap and put as many boats as possible into the facility. John Thompson motioned to approve; Marty Zartarian seconded. All in favor 6-0.

New Business:

- a. A Site Plan Review for a proposed solar project located at 281 Harrison Road (Tax Map U52 Lot 96) submitted by BWC Brandy Pond, LLC.

A member of the public called for Point of Order, stating the Certified Mailings notifying abutters of the meeting did not including the details on the site walk. Doug Bogdan turned to CE to ask if that was something we normally did, since it was advertised in the paper. Kate explained it wasn't necessary, but we could include that going forward. Ben Smith mentioned we will be working on the procedural process and submission requirements with the Ordinance changes.

Aimee Mountain started presentation of the project. She spoke about the wetland impacts, and the views of the solar farm from Long Lake. John Thompson asked Martina Witts if she was at the last meeting where someone mentioned it is not supposed to be seen, she replied "yes, it's the ordinance". Aimee stated they are requesting a waiver. Larry Anton mentioned the meeting between the Selectboard and ORC in regard to this Ordinance, and it was voted not to be visible from any public road or navigable waterway. Larry Anton made a motion to send this back to the applicant for them to come back with a plan for it not to be visible form any navigable waterway. John Thompson seconded. Larry Anton specified there cannot be any waiver granted on this. Ben Smith mentioned the applicant went through the process to apply and ask for the wavier. He stated it would be appropriate to let applicant complete their presentation and allow them to present their case for the waiver, so the Board has all the information and can make an informed decision. Larry Anton said no, absolutely not. They cannot get the waiver, so it is a waste of time to complete the presentation. Ben Smith stated that is a Board decision. Jim Grattelo stated to Ben, the Board does not have the authority to grant the waiver. Ben replied the Board has the authority to consider waiver requests from the provisions for site plans and subdivisions and performance standards, not deviations from the zoning standards. He specified this is a requested waiver, a performance standard, not a dimensional standard. Jim Grattelo asked if the waiver were denied, does it end here. Ben said they can appeal the decision in the Courts. Chairperson Doug Bogdan stated there is a motion and a second on the table and asks for a vote. All in favor 6-0.

Martina Witts asked the Chairperson if it would be appropriate to hear from the members of the audience who wanted to speak on this application. Doug Bogdan stated it had already been voted on. Martina stated this would not be to change the vote, but to hear if there were other issues from the public besides the viewability. Doug Bogdan opened the floor to the public. Mike Soucie spoke to the fact of this project being 20ft from their backyard. He stated his main concern is the deer herding and how the applicant calculated it, as he felt it was much larger than they presented. He suggested they find a different site due to the amount of waterways, habitats and visibility. Marty Zartarian asked how far from their property this would be. Mike showed the Board on the screen that the applicant had presented. Aimee Mountain spoke on having a surveyor come in to specify the lines and adding a 50ft vegetative buffer. Mike Soucie came back to the Board and showed a photo on his phone from their backyard into the 50ft buffer, showing there wasn't much of a buffer at all. Stewart Purinton expressed his concerns of the project being too close to his property. He asked the Board why the Town is concerned with the views from roadways and waterways for the tourists why are they not concerned about the citizens. Marty Zartarian asked how far from his home the array will be, and Stewart responded with roughly 150'. Christina Soucie expressed her concern of the affect on property taxes and resale of their house. George Leben asked about limiting blasting and roadwork. Stephen Campbell (Navisun) showed the proposed roadway to follow the existing path and be extended a little farther with just gravel. Deborah Martin (Landowner) spoke to the Board regarding her letting the Town's people use the land for hunting, trail riding and other activities. She explained this project is less abrasive to the

environment and community rather than developing the land into a different use. Jim Grattelo spoke to the board as to why this project makes no sense. He listed the applicant stated there were many obstacles to overcome, they are clearing 18.2 acres for 8.8 acres solar array, when questions were asked “we don’t believe you’re going to be able to see it from Madison Heights; it should not be seen from Rick’s”. He stated this project is not conducive for a solar array based on our Ordinance. Ben Smith asked the Chairperson to clarify, the motion was to send this back to the applicant to have them come back with a new plan that does not require a waiver, Doug Bogdan responded yes. Deborah Martin asked the question why the solar array is bothering the Town, but we have huge boat storage places on 302. John Thompson explained the Ordinance specifically says it won’t be seen. Larry Anton spoke on voting for the Ordinance, and stated this land is not suitable for a development like this.

- a. A Site Plan Review for a proposed solar project located at 18 Olde Village Woods (Tax Maps U5/U11 Lot 24-2) submitted by Naples Roosevelt Trail Solar 1, LLC.

Brett Pingree (Soltage) presented the project, including new assessments for visibility from Brandy Pond, showing there shouldn’t be any. Marty Zartarian asked what the distance from the array to the nearest house is. Drew Vardakis (Wood) explained he doesn’t have the exact numbers, but the nearest house is quite a distance away. Larry Anton mentioned if the landowners between Bandy Pond and this property were to develop their land, the project would most likely be visible. Larry asked if they would be willing remove any panels that would be visible. Brett asked to give the solution some flexibility, they could remediate the problem without removing the panels. John Thompson agreed. Larry Anton asked the total ease time on the project, Brett replied roughly 40 years. Larry Anton then asked about the Decommissioning plan and the calculations. Brett explained on their other projects they provide that after the approvals. He did add it was roughly \$90-100,000. Larry Anton suggested projecting the amount based on future inflation rates, not current day dollars. Brett said in some cases they will reevaluate the cost every 10-15 years. Doug asked if the panels move, and the top height. Brett said they panels are fixed and 8ft to the top. Martina asked what type of finish they were proposing for the panels, Brett explained he doesn’t know of other types but theirs will be antiglare/antireflective to obtain the maximum absorption of sunlight. Martina Witts asked about the Operation and Maintenance plans, Brett replied it would pretty much be the same as other plans but they would provide the plans after approval. Martina requested in the absence of a soil test indicating a phosphorus deficiency, only non-phosphate fertilizers will be used if approved, and the applicant responded that wouldn’t be an issue. John Thompson made the motion to table this until they come back with further information regarding decibel levels from the inverters. Brett interjected and asked if that could be a condition of approval rather than coming back. Larry Anton suggested a Workshop with Ben Smith on how to go forward with the language to be used for Conditional Approvals. He explained he is not comfortable that he could come up with the proper wording for the Conditional Approvals. Larry made the motion to table, and John Thompson seconded. 5-0, 1 Abstaining.

Doug Bogdan asked if there were any other business, there were none. He asked about the details of the requested workshop, Jen Leeman replied to work it out and notify all members. As there was no other business, Doug asked for motion to adjourn. John Thompson made the motion and Robert Fogg seconded.

Respectively submitted,
Jennifer Leeman
Asst. to Code Enforcement