

**TOWN OF NAPLES**  
**Planning Board Meeting Minutes**  
**November 2<sup>nd</sup>, 2021**  
**6:00pm**

Video Link: <https://lakeregiontv.org/Video-Archive/ctl/player/itemid/3255/mid/3378/media/video?popUp=true>

Chairperson Doug Bogdan called the meeting to order. Also present were Robert Fogg, Martina Witts, Jim Allen, Alternates Larry Anton and Marty Zartarian, Planner Ben Smith, Code Enforcement Assistant Jen Leeman.

Both Alternates were appointed Voting members.

Minutes from 10/19/2021 were reviewed and accepted with a change present by Martina Witts. Larry Anton motioned to approve as corrected, Robert Fogg seconded, all in favor 5-0.

Doug Bogdan changed the order of the agenda, there were no objections.

- a. A Dock Permit with square footage totaling 384 sqft, measuring 96ft x 4ft, located at 23 Rabbit Lane (Tax Map U44 Lot 8A) submitted by Michael and Lisa Plummer.

Alan Taylor came forward to speak of his support of the dock but expressed the dock should sit in front of their property and not his (as the proposed plan would have an overhang over the "line"). Larry Anton stated he thought it was policy the deck was toward the center of the property. Jen Leeman stated the Town's Harbor Master weighs in on the positioning of the dock typically regarding navigation or obstacles. Lisa Plummer stated the dock is placed where it is because that is where it always was. She stated they were only here due to the dock never being permitted, but they bought the property March of 2020. She stated they added the T at the end of the dock that over hangs to her neighbor's side and added a section due to a friend's large boat. She added the Dock had always been at least 70ft of dock before they purchased the property. Martina Witts asked if it would not longer look like the T that was submitted as the application. Lisa stated that was correct then she supplied an image to the Board showing the T section being moved to the side. Jen Leeman mentioned they need to provide the new design to the Code Department for the Building Permit. Larry Anton asked if they removed a section of the Dock. Michael Plummer stated they did not. Larry referred to the Harbor Master's note, which stated "it was shortened by the previous owner and current owner to remove the slip section last summer". Larry asked if they are extending it again, both Lisa and Michael stated they only added the T. Robert Fogg asked if they could park all boats on the side where the T is going. Lisa stated there shouldn't be any overhang on the other side. She stated this is a shared beach, and there is Short Term rentals next door and they do not want them on the Dock. Robert mentioned if they parked an 8ft boat on the side closest to the neighbors there would be a 3ft overhang onto the "property line". Lisa replied if it were an 8ft boat. She asked the Board at what point does your property end. Larry stated you don't own the water. Michael said they're getting conflicting answers, they were told by the Harbor Master from the low water mark, they own 10ft out. (Later discussion with Shawn Hebert provided they misinterpreted what he stated to them when he did an onsite inspection of the dock. He stated to them according to Submerged Lands, for the purpose of dock systems and use, people "own" from the left and right property markers going straight out until 6ft of depth. Shawn gave the Plummers the example of "if it takes 10ft out to hit 6ft of depth, you would 'own' 10ft out." Anything beyond 6ft of depth needs

approval from Submerged Lands.) Martina Witts asked for clarification of the shared beach situation. Lisa explained they own the land, but all owners on Rabbit Lane have deeded access to the Beach. Jim Allen stated he spoke with Linda Stern's (previous owner) son, and the dock has been there for 40 years so there wouldn't have been a permit, just the extension would need to be permitted. Michael asked for clarification as to which part would be grandfathered as it is all new dock. Jen Leeman explained once pieces of or the entire dock is replaced it is no longer grandfathered. Doug Bogdan stated he didn't know how far into the water someone owned; Jim Allen mentioned the Deeds may specify. Alan Taylor spoke about the placing of the docks. Marty Zartarian asked if there is a certain square footage set for docks. Jen explained for the Code Enforcement and the Harbor Master to approve a dock without the applicant going to the Planning Board the docks would have to be less than 50ft out and less than 300 sqft. Jim Allen motioned to approve, Larry Anton seconded, Doug Bogdan added the condition of submitting the new plan to Code Enforcement before approval. All in favor 5-0.

- b. A Dock Permit with square footage totaling 1,368 sqft, measuring 126ft x 4ft with multiple slips along with an observation/relaxation dock totaling 140 sqft, measuring 20ft x 4ft with a 6ft attachment located at 46 Shirley Road (Tax Map U39 Lot 8) submitted by Donna Ritchie.

Donna Richie stated the property was bought in the mid-60s. Her father had developed the property with a home and added mobile homes to the property for friends and coworkers and added the dock. She stated she's had to reconfigure the docks to accommodate the larger boats overtime. She described the observation deck, stating she wants to add it for the safety of people out fishing. Doug Bogdan asked the reason for wanting to add to the dock, verifying there are no new property owners looking to use it or adding more boats. Donna replied she wouldn't be adding boats. Martina Witts asked if this property would need to adhere to the 1 boat per 25ft of land rule. Jim Allen explained this system had been there for a long time, to which Martina asked if that means they do not need to follow that rule. Larry Anton stated they would need to keep as many boats as they had. Martina then looked at the submitted plans which stated "15 tenants, plus the owner" making 16 boats, but the provided diagram only shows 14 boats. Donna explained she would be added 2 spots for 2 more boats. Larry Anton asked how much water frontage the property has, Martina said 350ft, but the applicant would need 375ft for 15 boats. Jim Allen asked how many slips she has now. Donna responded 14. Jim Allen said there are 8 fingers with both sides being used would be 16. Donna stated she doesn't count the outside slips. Jim asked if she would discontinue using the inner spots due to water levels. Donna stated she wasn't planning to not use them, as there aren't enough spots now. Martina stated she only asked because there are many associations in town that must adhere to the 1 per 25ft and have waiting lists. Doug Bogdan added, this addition would make it almost a 20-slip system. Larry Anton asked if she'd be able to juggle the boats around rather than expanding. Donna stated she does that, but there are only 2 boats that are not Pontoon boats. Jim Allen asked if she could put another 12ft section by the shore to push the system out. Martina Witts explained the applicant only has water frontage for 14 boats, but she's always had the 15 boats. Jim Allen stated she has the 16 spots and the 1 per 25ft does not apply to grandfathered systems. Jen stated this system wouldn't be considered grandfathered because the applicant has made changes to the system in the past. Ben Smith asked if the Harbor Master had a chance to weigh in on this application. Jen said yes, there was a memo provided. Martina asked about the Submerged Lands requirement the Harbor Master mentioned, Jen explained if the dock length goes past 6ft of depth, the applicant needs approval from them, but by time the Harbor Master got out to the site the docks had been pulled for the winter and depth could not be confirmed. Larry Anton added, since she's putting an extension it's not the same dock and no longer grandfathered. Larry made a motion to allow the extension with no more than 15 boats. Jim Allen seconded. 4 in favor, one opposed.

Doug Bogdan moved on to the fishing dock. Larry stated since it's going of the rocks with no added boats, he didn't see an issue with it. He made a motion to approve, Jim Allen seconded with no boats. All in favor 5-0.

- c. A Site Plan Review for a proposed solar project located North of Lambs Mill Rd (Tax Map R04, Lots 34, 35, & 36) submitted by Longroad Development Company.

Gordan Smith (lawyer) spoke on the project and introduced the members of the team. Ben Aparo (Summit Ridge, owner/operator) explained his company acquired the project and submitted a packet with the company information to the Board. Larry Anton asked about the lease, Ben replied they wouldn't have the lease until they know the project would be moving forward. Ben Smith added, it's common to submit a drafted lease, right title or interest, or redacted agreement, etc. for the Board. He added he had more confusion with the companies involved in the project rather than the forms of interest. Larry asked for the plan showing all the different lots, including the size of each lot and what is being leased. He stated most of the lot is in tree growth and would need to be removed from that. Gordan spoke on the lease terms and explained they are redacted in the application. Larry stated there is typically dollar amounts, Gordon agreed and stated this was probably over redacted. Gordan mentioned there is a map showing landowners provided, Larry and Marty stated it is confusing. Ben Smith clarified, showing the entire parcels with the amount being leased. Brook Barns (Stantec) stated the total of the 3 parcels is 264 acres, and the total developed area is 45 acres. Marty asked how many inverters there will be. Ben Aparo explained 6 inverters, 1 skid centrally located. Larry asked if they would be cutting to the fence line. Brook explained it would be beyond the fence line, 26 acres for the project but a total of 45 acres with the shade management. Martina Witts asked about cutting in the Wetlands. Brooks explained they would be avoiding most of them, but there would be clearing near the significant vernal pool. Larry asked if the state was okay with that, and Brook explained under the Natural Resources Protection act, they can get a permit by rule for clearing up to 25% and this project proposes 23%. Martina asked if they could avoid it, and Brook explained if they moved the project further up 302, they would run the risk of visibility from the lake. Larry Anton asked is they have an easement for the road leading to 302. Gordan explained, based on what the Landowner has stated, Hancock has easements rights sufficient to place the project. Robert Fogg asked about snowmobile trails. Brooks explained there is no ITS in the project area. Jim Allen stated, the trail may be closer to 302 and may cross over the road. Robert stated he would like to know if there are any trails effected by the project. Martina asked if there are any wildlife wintering habitats effected. Brook stated they have reached out to multiple agencies but found there isn't any. Larry asked the minimum distance from the boundary line to the leased parcels. Brook responded probably 200ft. Larry asked about a larger buffer zone, Brook explained that would limit to output of energy. Marty asked if they have established background noise levels, Brook stated no, any noise would be from the inverters. Ben Aparo stated it could be 6 or it could be 3 depending on the size of the invertors, they would have to check into it. Brook stated he misspoke; it would be 2 skids with 3 inverters. On page 9 of the application there is an analysis of sounds. Larry asked what the minimum cleared buffer. Ben Aparo said this isn't an easy answer, they would need engineers to look into it. Larry expressed is concern of the project changing due to state approval that hadn't been applied for at this point. He requested the project be reviewed by CCSWCD. Steve Thompson (visibility) explained the findings and adjustments made to the project. Larry asked about using herbicides and pesticides. Ben Aparo explained they never intend to, but it could be necessary to spot treat. Martina asked where they source the water used for washing the panels, Ben responded they bring it in if there isn't a resource on the property. Ben Smith summarized the discussion, asking if the Board wanted to hold a Public Hearing or Site Walk for the project. The

Board determined there didn't need to be a site walk, but there should be a Public Hearing. Larry Anton motioned; Robert Fogg seconded. All in favor 5-0.

Gordan asked about the procedure for the next meeting, Ben Smith added the next meeting would be the applicant submitting requested materials, and the public hearing. Larry asked if they would have all the appropriate approvals from outside agencies, Gordan responded no they haven't submitted them yet. Brook mentioned there is a request for a waiver regarding the soil erosion.

- d. A Site Plan Review for a proposed renovation and expansion project for the Naples Marina property (Tax Map U1 Lot 5) submitted by DM Roma Consulting.

This project was tabled. Larry Anton motioned; and Robert Fogg seconded.

As there was no other business the meeting was adjourned. Jim Allen motioned; Larry Anton seconded. All in favor 5-0.