

**TOWN OF NAPLES**  
**Planning Board Minutes**  
**May 2, 2017**  
**7:00 pm**

Chairman Larry Anton called the meeting to order at 7:00 pm. Also present were John Thompson, Doug Bogdan, Jim Allen, Barbara Adlard, Alternate Jim Krainin, Code Enforcement Officer Renee Carter, and Town Secretary Kate Matthews.

Public hearing:

- 1. A Voter's petition for a zoning change under 30-A M.R.S.A Section 2522 to allow the Zoning map be amended by changing Map R03, Lot 38B, book 32931, page 93 as described in Cumberland County Registry of Deeds from residential-rural to commercial.**

Mark Swanton was present to explain his application. Mr. Swanton owned New England Boat Shop, and had cleared some land on his back lot to store boats. When the Code Enforcement Officer was made aware of the situation she had contacted Mr. Swanton to let him know that anything beyond 500' from Route 302 was not zoned commercial, but rural. After he found out the process to rezone the back lot of his land, he made his best efforts to comply with the Town Ordinances and have the rezoning process underway before the Annual Town Meeting where the public would have the official right to vote. The Planning Board let him know that if the rezoning was approved at the Town Meeting, he would need to come back before the board to rectify the disturbance of what could be more than 15,000 square feet of the lot for commercial use, and to have the approval of boat storage as proposed. Mr. Swanton was not aware that his back lot was not completely commercial, but rather most of the lot was rural-residential and apologized to the Board. He did make it clear that he did not want the entire lot to be commercial, but the small portion that was cleared for boat storage, therefore keeping a bufferzone wooded to keep his abutters in the area happy.

Larry Anton made a motion to recommend that the lot go to Town Meeting for rezoning to commercial. The board was unanimously in favor.

Larry Anton made a motion that the minutes from the 4/18/17 meeting be approved as written. John Thompson seconded the motion. The board was in favor 5-0.

New business:

2. An application for an Outdoor Entertainment Permit submitted by Maine Blues Fest LLC for the Annual Maine Blues Festival on the Causeway and at local businesses during Father's Day Weekend.

Kevin Kimball presented the application to the board. This would be the 15<sup>th</sup> year of the Annual Festival in Naples. As it seemed to get larger each year, they would be adding 15 additional portable toilets and adding more security coverage to the event. Alcoholic beverages would only

be served at licensed establishments. The Lake Region Explorer would be utilized for free transportation for patrons from Bridgton to Naples and From Portland to Naples, along with a free shuttle from campgrounds in the area.

Mr. Anton asked if anyone had heard any type of negative feedback regarding the event during the past in the Town. As no one present had, John Thompson made a motion to approve the application as submitted. Barbara Adlard seconded the motion. The board approved the application 5-0.

Tabled business:

3. An application for a Modification of a Minor Subdivision for 7 Getaway Lane found on Tax Map U20, Lot 10 to have a 50' Easement for water access to Brandy Pond over Lot 10B.

The board had asked Renee Carter to look at the video from the meetings approving and discussing the subdivision and lots in question. After reviewing the minutes and the video footage, she saw no discussion or plans of the easement to Brandy Pond over lot 10B. Mr. Anton stated that since there was no easement on the map approved by the Town, and no discussion of the easement to Brandy Pond during the time of the approval by the Planning Board, that the board did not have the right to give that easement with the current owner of lot 10B being opposed.

Robert Danielson, esq. was present to represent the original owner, Mike Pinette who owned the lot when it was in front of the Planning Board in 2007. Mr. Danielson said that the owners of 10B bought the lot knowing about the easement to Brandy Pond for Lot 10 as it was recorded with the registry of deeds. Mr. Pinette was going to sell both lots to one owner, around the same time frame as the 2007 meeting, but unfortunately the sale of both lots fell through and that may have been why the Brandy Pond Easement was not on the Planning Board Plans, but still were recorded with the registry of deeds. Mr. Pinette said it was a clerical error that didn't come to light until the current owner, Chris Dyer was in the process of selling lot 10.

Attorney Dana Hanley was once again present to represent the abutters, who were not in agreement with the allowance of the easement over their lot. Mr. Hanley stated even if it was intentional at the time, the easement was not approved by the board and should have not been recorded at the registry of deeds in the first place.

John Thompson made a motion to table the application indefinitely. Larry Anton seconded the motion. Mr. Anton believed that this had become a legal issue between the two owners, and that they would need to come before the board in agreement as the Town had approved the original application so long ago and did not have enough information to make any type of decision at this point in time. The board voted in favor 5-0.

4. Recommendations for defining a Dwelling Unit and or an Accessory Apartment by request of the Ordinance Review Committee and Selectboard.

The Ordinance Review Committee was working to define a Dwelling Unit and Accessory Apartment to make it clearer for both residents and enforcement. The board agreed that a dwelling unit consisted of cooking facilities, sleeping space, and a bathroom. There were a few opinions regarding Accessory Apartments. Mr. Anton thought that Accessory Apartments should be rentable, but that the owner's primary residence should be in Naples at the home with the accessory apartment. There was also a discussion that there should be a restriction regarding the size of the apartments.

Ultimately it was decided that the ORC should review neighboring town's ordinances regarding apartments and dwelling units, so as not to reinvent the wheel. Mrs. Carter let the board know that she would let the ORC know their thoughts and concerns at the next meeting.

As there was no other business, the meeting was adjourned.

Respectfully Submitted,

Kate Matthews  
Town Secretary