

TOWN OF NAPLES
Planning Board Minutes
June 16, 2020
7:00 pm

Chairman Doug Bogdan called the Planning Board meeting to order. Also present were Larry Anton, John Thompson, Robert Fogg, and Planner Ben Smith. Renee Carter the Code Enforcement Officer was in attendance remotely.

The board held a moment of silence in memory of Rick Paraschak who had recently passed away.

John Thompson made a motion to approve the 3/3/20 minutes. Larry Anton seconded the motion. The board was in favor 4-0.

John Thompson made a motion to appoint Doug Bogdan as the chairman for the upcoming fiscal year. Robert Fogg seconded the motion. The board was in favor.

Larry Anton made a motion to appoint John Thompson as the vice chairman for the upcoming fiscal year. Doug Bogdan seconded the motion. The board was in favor.

Business:

- a. A sketch plan for a Change of Use submitted by Wendy Aronsson for Property found on Tax Map U26, Lot 5 previously known as the Naples Golf Course Back 9 for a proposed outdoor flea market.

Mr. Anton believed the application would violate the comprehensive plan and the land use ordinance. The comprehensive plan stated that the village district would maintain uses that currently exist to include mixed residential and limited commercial uses. He believed that a flea market was not a real business, but a large collective garage sale. Mr. Anton believed that the application should be considered under the outdoor mass gathering ordinance and that it should be heard by the Selectboard not the Planning Board.

Renee Carter believed that the applicant had the right to be heard regarding their application, and that no decision should be made until after they had made their proposal to the Board. Renee also argued that the comprehensive plan was a guideline only, and not an ordinance. Mrs. Carter stated she had spoken with MMA and they determined the project to be considered as a retail business.

Rick Licht a civil engineer was in attendance to present the application. He explained how he believed the project was retail according to town ordinance, and wanted to let the board know that the applicant understood this was only a sketch plan and that it was a meeting to gather more information. Mr. Licht showed the board map of the proposed layout for the business. He showed where the entrance would be to the parking lot and the proposed area for the vendors to set up, which would be a grassed area without buildings. They also were

proposing a playground area for children with some mobile vendors as well. That area would be connected with a walkway from the parking lot.

Wendy Aronsson also explained her vision for the project. They planned on starting with around 100 vendors and eventually growing to up to 250 vendors. She said the majority would be selling antiques and handmade items, but was hoping to eventually allow farmers, food trucks, and artisans. In the not so near future, they would like to hold recreational classes, retreats, weddings, and events along with opening up walking trails to the public. She stated no permanent structures would be added in the next few years, and everything would take place outside.

Mr. Licht stated that a small portion of the area proposed to be used would be located in the rural zone outside of the village district. Mr. Anton let him know that in order to do anything commercial in the rural zone that they would need to have the zoning changed at Town Meeting. The board also let them know that they would like a traffic study for the project. Mr. Anton thought that adding traffic may require a traffic light at the end of Sebago Road and Route 302. Mr. Licht asked if porta-potties would be acceptable for restrooms for the project and it was suggested to work with DHS on their recommendations.

There was no lighting proposed at this point. The applicant would also be meeting with the Fire Chief to discuss egress. Mr. Licht explained that the vendors would not be visible from the road as there was already a forested buffer area. The next submission would have a new survey of the land and clearly define the areas for parking and roadways into the lot. The applicant was also willing to close down operations during weekends when large events took place in town to help control traffic.

- b. An application for a Final Major Site Plan Review submitted by Soltage, LLC for Property found on Tax Map U04, Lot 2 known as 86 Casco Road for a proposed ground-mount solar photovoltaic development.

Mr. Fogg recused himself as a voting member of the board for this portion of the agenda, as he was an involved party.

John Rand their engineer presented the proposal to the board. After going through the application process with DEP, the size of the project had been changed since their proposal in January. They had a wetland scientist survey the vernal pools on the lot, and because there was a significant vernal pool on the lot they had to eliminate about 10-12% of the size of the project. The change also modified the stormwater runoff plan, and the applicant now had approval from DEP for their modified permit applications.

The applicant was requesting a waiver regarding the required 50' buffer zone. They requested that the buffer area be reduced to 35' for the arrays, and a reduction to 20' buffer for the fence.

Mr. Anton asked about the existing gravel road that went through the lot and whether anyone was using it as a right of way. Mr. Rand let him know that it was used for snowmobile and atv club trails, and that they had come up with an agreement to reroute that trail so it would not go through the middle of the lot. Mr. Anton stated that rerouting the trail to the outside of

the lot would interfere with the required buffer as well. Mr. Anton also wanted to make sure if there were any significant infrastructure replacements that they knew they would need further Planning Board approval. There would be signs on the main entrance gate with emergency contact information.

John Thompson made a motion to grant the setback waiver as requested, reduced from 50' to 20' for the fence and 35' for the arrays. Larry Anton seconded the motion. The board was in favor 3-0.

John Thompson made a motion to approve the project with the following conditions of approval:

1. If future changes represent significant impact on the scale or aesthetics the project must go back before the Planning Board for review, such approval would not be unreasonably withheld.
2. The applicant must provide surety for removal of the system.
3. There must be signage on the front gate with contact information in case of emergency.
4. The applicant must receive approval from the fire chief for the project.

Larry Anton seconded the motion. The board was in favor 3-0.

- c. An application for a Final Major Site Plan Review submitted by ISM Solar Development for property found on Tax Map R12, Lot 41 located at 30 River Road for a proposed solar array.

Greg Lucini was in attendance to present the application. The original plans for 10 mega watts AC for the project was not approved at the state level, only 5 mega watts AC were allowed. Due to that the project was cut in half, and the fixed tilt solar panels as presented previously were now proposed as single access trackers which would not exceed 14 feet in height. Because of the newly proposed panel type, the plan did not change from the proposed 50 acres to 25 acres, it would now be about 32 acres being proposed for use. The new array would stay mainly in the current gravel pit area, and would reduce the disturbance in the forested area.

Gil Paquette from VHB was their engineer for the project. The project was now completely out of the shoreland zone and did not impact any wetlands or vernal pools. They were working with DEP to complete their site location permit which included their stormwater runoff permit. All setbacks and buffers would be met for the project, and some additional screening would also be added to the abutting area with a subdivision. There would be no buildings on the project, and but an access road to the two equipment pads would be included.

Mr. Fogg asked about the snowmobile trail that currently went through the lot. Mr. Lucini stated that he had met with the snowmobile club and had an agreement to reroute the trail to the outside area of the project, which would go through a portion of the shoreland zone area but no trees would be disturbed. Mr. Anton asked about tree clearing for the project. The applicant explained that tree trimming within the shoreland zone would meet all allowable standards at the time of, and since they were only leasing a portion of the lot, only the trees that would interfere with the

installation of the project would be cleared and that he was working with the Code Enforcement Officer on that portion of the project. The Town Planner explained that since the whole lot was not leased by the applicant, the owner still had the right to cut or harvest trees on the rest of the lot. Mr. Anton pointed out that if anything had been previously cleared in the shoreland zone area of the lot, that according to the solar overlay standards that replanting would be required.

John Thompson made a motion to grant the requested waivers for the reports of soil types and location of soil boundaries along with the on site soil investigation report. Robert Fogg seconded the motion. The board was in favor 4-0.

John Thompson made a motion to approve the project as presented with the following conditions of approval:

1. The Solar Overlay Zone must be passed at the June 25th Town Meeting in order for the project to be approved.
2. The snowmobile trail would be relocated, and if in Shoreland Zoning must not include any tree trimming unless approved by the Code Enforcement Officer.
3. The stormwater and erosion control program of the project must be approved by DEP and the Code Enforcement Officer before any permits are granted.
4. The fire chief must give written approval of the project.
5. All required state permits must be approved and given to the Code Officer
6. The applicant must provide surety for removal of the system.

Robert Fogg seconded the motion. The board was in favor 4-0.

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

Respectfully submitted,

Kate Matthews
Asst. Code Enforcement Officer