

**TOWN OF NAPLES**  
**Planning Board Minutes**  
**January 17, 2017**  
**7:00 pm**

Vice Chair John Thompson called the meeting to order at 7:00 pm. Also present were Barbara Adlard, Jim Allen, Alternate Jim Krainin, Alternate Garin Peck, Code Enforcement Officer Renee Carter and Town Secretary Kate Matthews. Mr. Thompson appointed both alternates as voting members for the meeting.

First order of business was to review the minutes from December 20, 2016. Jim Krainin motioned to accept the minutes as submitted, Barbara Adlard seconded the motion. The board was in favor with one member that was absent abstaining from the vote.

Tabled business:

- A. An Application for a Minor Site Plan Review submitted by Marie Kushner to open a takeout Restaurant located at 939 Roosevelt Trail found on Tax Map U25, Lot 11.

Applicant Marie Kushner was present to discuss her tabled application with the board. Marie let the board know that after discussing her business with the state, she would not be considered a takeout restaurant but rather a retail business as all her food would be pre-packaged. She also provided the board with an email from Jessica Batchelder of the Maine Division of Quality Assurance and Regulations stating that since she is not proposing to sell hot prepared foods that her department would issue a license to the business and with that license she would be allowed to have tables as a retail food shop. The board stated that they were concerned about tables inside due to the lack of parking and the turnaround would be slower. Marie stated that the owner of the Country Sleigh across the street had offered that patrons could use her parking lot and for events she would set up a shuttle service from family owned property on Kansas Road. As the town does not currently have a strict parking ordinance but rather a guide for the board to review it would be hard for them to enforce a minimum number of spots.

Renee Carter provided copies of an email from Marc Veilleux of the State Fire Marshall's office regarding some concerns. He had concerns regarding egress requirements of the space and was concerned that there was no real separation between the residential portion of the building and the commercial space of the building. Mrs. Kushner stated that Mr. Veilleux had not brought up any of those concerns with her, so she would have to work with him to address them.

Mrs. Kushner wanted to hold events on the property by the water which she would cater as a large source of revenue. Since the lot is partially in the shoreland and limited commercial zones, in order to have mixed use a larger shore frontage and lot size is required. The minimum lot size requirements and minimum shore frontage would need to be doubled to use the lot as both commercial and residential, or the town's ordinance would need to be updated. Marie was concerned because the event and catering portion of her business had the potential for the largest profit margin and she was worried without that her business would not survive. She asked if she could have a total of 6 catering events in the meantime. Unfortunately, the board explained that it

would not be possible unless the Selectboard agreed to elaborate and clarify on the limited commercial use in the area, or have the ordinance updated with the Ordinance Review Committee. Mrs. Kushner showed the Board photos of Naples businesses who held events close to the high watermark in the Shoreland Zone. The Code Officer stated that she was not aware of the structures being that close to the water, and now that she had been informed of the issue, she would have to take action to prevent any more violations. Community members were concerned that with Naples being a tourist town and the water being such an attraction, that stopping such events would be bad for business. Again, the board said that ordinances needed to either be enforced or updated.

Jim Allen made a motion to table the application until the Code Enforcement Officer and Marie Kushner can speak with the State and Selectboard to find a solution to make the proposed businesses both legal within the Ordinances and State Laws. Barbara Adlard seconded the motion. The board was unanimously in favor.

New business:

- A. A request from George Vooris to change the Date of the approved Naples 5k Outdoor Entertainment Permit from Sunday August 27, 2017 to Saturday August 26, 2017.

Mr. Vooris wanted to change the approved date for the 5k due to two other large races in the area taking place on August 27, 2017. He spoke with Cumberland County and was able to have safety coverage for the race on August 26, 2017 as well. Barbara Adlard made a motion to accept the change of date to August 26, 2017 for the previously approved Outdoor Entertainment Application. Jim Allen seconded the motion. The board was unanimously in favor.

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

Respectfully submitted,

Kate Matthews  
Town Secretary