

**TOWN OF NAPLES
PLANNING BOARD
MINUTES
Tuesday, April 7, 2015 – 7:00 pm
Municipal Offices Buildings**

Larry Anton called the meeting to order. Also present were Doug Bogdan, Barbara Adlard, Alternate Jim Krainin and Code Enforcement Officer Renee Carter.

Jim Krainin was appointed a voting member for the meeting.

Larry Anton motioned that the minutes from March 17, 2015 be approved as written. Doug Bogdan seconded the motion. The board voted 4-0 in favor.

New business:

1. An Outdoor Entertainment Permit Application for the Maine Blues Festival submitted by Kevin Kimball to take place on June 19, 20, and 21st.

Kevin Kimball and Kent Uicker were present to answer any questions the board may have. Mr. Kimball gave a general explanation of the event for anyone who was not familiar with it. The Maine Blues Festival hosted about fifty Maine based blues acts at about ten individual locations throughout downtown Naples. The festival draws in about 5,000 visitors annually. Mr. Uicker informed the board that this would be the 10th year for the festival.

Mr. Anton went over the application with the board and asked if there were any concerns. Doug Bogdan said that he thought the festival was a very successful annual event. Barbara Adlard made a motion to approve the application. Jim Krainin seconded the motion. The board was unanimously in favor.

2. An application for a Site Plan Review submitted by James Allen for Tax Map U01, Lot 5.

Jim Allen was present to explain his application to the board. He was looking to do two different phases of modifications to his property. The first thing he wanted to accomplish was to remove the awning from front deck and to extend the roofline to existing deck, which would end up being an additional roofline of 35 feet. He also wanted to enclose the upper deck area where the restaurant was and have windows that could be swung open on nice days.

The second thing he wanted to do was add an 8' x 32' addition for storage and cooler space on the ground level, and more seating for the restaurant on the upper level.

Chairman Larry Anton wanted to mention that the board never approved the lot for a fully functioning restaurant and bar. The previous Code Enforcement Officer made the decision that Mr. Allen would not need to go in front of the board for approval of the restaurant in addition to the marina. Mr. Anton said that it was disappointing because now there are various issues being

brought up that could've been addressed early. He was concerned that the septic was never finished being installed. Mr. Allen confirmed that the leach field was never put in, only the tanks.

Abutter Richard Dyke sent in a letter to notify the board that he objected any addition to the marina's property. He was concerned about parking, because customers were already encroaching on his property due to the lack of space.

A letter from Mike Morse of Maine DEP was also considered by the board where he explained that unless the State and the Town gave proper licenses that the restaurant part of the business may be considered illegal. Mr. Allen confirmed that he had the appropriate licenses from the State, including a certification from DHHS.

Another abutter, Tom Gleason, was at the meeting to voice his objection against the restaurant as a whole. He let the board know he lived directly across the pond in his current residence for the past 15 years, and since the bar has opened it has disrupted his life continuously. He had concerns about the noise coming from live music. The restaurant has a Special Amusement Permit approved annually from the Selectboard, in which live music is allowed until 9 pm. He let the board know that Mr. Allen allows the music to continue all hours of the night, even though he had spoken with him multiple times about the issue. Mr. Gleason was strongly against allowing any renovations to the property.

Mr. Allen stated that if the restaurant was enclosed the noise would be reduced dramatically. He also said that an engineer was working with him on designing a new sound system that would include sound deadening panels in the enclosed deck. Mr. Gleason wanted to know if air conditioning would be included in the renovation because if the windows were open it wouldn't really make a difference. Mr. Allen confirmed that there would be air conditioning.

Mr. Allen stated he wanted to amend his proposal to have the board only consider the roof extension and enclosure of restaurant for this meeting, and to come back before the board regarding the addition once he had all of the required information.

Chairman Larry Anton made a motion to allow the extension of roof over existing deck and to enclose the deck with windows and sound panels subject to the following conditions:

- A septic system designed for the permitted number of seats must be approved and installed by July 1, 2015.
- The restaurant is to remain seasonally operated and restricted to April through October only, with the provision it could be used occasionally for private functions at other times.
- Any changes in design and or operation to the property will require the applicant to return to the Planning Board for approval.

Jim Krainin seconded the motion. Barbara Adlard recused herself from voting due to a potential conflict of interest. The motion was passed 3-0.

Chairman Anton motioned to table the 8' x 32' ground level addition for storage of boat equipment and walk in-cooler, as well as the request to extend the restaurant deck 8' x 20' over the addition. The board was in favor.

With no other business to speak of, meeting was adjourned.

Respectfully submitted,

Kate Matthews
Town Secretary