

**TOWN OF NAPLES**  
**Planning Board Minutes**  
**May 7, 2019**  
**7:00 pm**

Chairman Doug Bogdan called the Planning Board meeting to order. Also present were Steve Smith, John Thompson, Jim Allen, Robert Fogg, alternate Rick Paraschak and Code Enforcement Officer Renee Carter. Doug Bogdan appointed Mr. Paraschak as a voting member for the item A under old business.

John Thompson made a motion to approve the minutes of 4/16/19 with one correction pointed out by Robert Fogg, Jim Allen seconded the motion. The Board approved the minutes unanimously.

Old business:

- A.) An application for a Major Site Plan Review submitted by Robert Fogg for property found on Tax Map R08, Lot 30A regarding a 7,120 sq. ft. addition to an existing building and a salt shed, which was approved at the 10-2-18 meeting, but needed the Fire Chief's approval of their alarm system before electricity was allowed.

Robert Fogg removed himself as a voting member for this item as he was the applicant. Mr. Fogg had provided a letter from the Fire Chief stating his approval, that the project had met requirements of the ordinances.

Mr. Smith made a motion to approve the plan, including the electricity portion because all requirements were met. Jim Allen seconded the motion. The board approved the project unanimously.

- B.) Brandy Crossing Subdivision Appeal

The final application submission was scheduled with the Planning Board for May 21, 2019. However, there was an application that was tabled with the Board of Appeals appealing the preliminary approval of the Subdivision which needed to be acted upon before the Planning Board could make act on the final application.

John Thompson made a motion that the Planning Board requests that the Board of Appeals hold a determination on the appeal of the Brandy Crossing Subdivision preliminary plan submitted by Mr. and Mrs. Spainhour. Mr. Allen seconded the motion. The Board voted unanimously in favor.

New business:

- A.) An application to add a 192 square foot addition to an existing 200 square foot common area dock which is deeded to Map U24 Lots 1-5, 1-6, and 1-8 submitted by Mary Build.

Mrs. Build explained that the addition would be an L shape to help with the congestion of that area. Mrs. Carter stated that the ordinance allowed each person to have 300 square feet, but combined in the same area, according to the ordinance, it would need Planning Board approval.

John Krzyston, an abutter who owned lot 1-6 who also had rights to the ROW lot. He stated that when he purchased the lot from the Golf Course, that each person with rights to that common area would be allowed a private dock.

According to Mrs. Build, the deeds for the three lots with the ROW access stated that lots 1-5 and 1-6 would share a dock space, but lot 1-8 was allowed the private dock. Mr. Krzyston was concerned that since the deed would allow lot 1-8 to join the shared dock space of 1-5 and 1-6 that lot 1-8 would also technically be allowed to have another private dock according to the deed.

Mrs. Carter stated that the planning board could not change restrictive covenants on deeds, and that the decision would have to be made privately between the parties with a lawyer.

Mr. Krzyston pointed out that the preliminary application for Brandy Pond Subdivision had amended the covenants stating that all three of the lots in question would have the right to their own private docks, which had been approved recently by the Planning Board.

Mrs. Build explained that if she would have her own private dock it would be very expensive and she had no intention of having another dock, other than what was proposed for the meeting.

John Thompson made a motion to approve the application as presented. Steve Smith seconded the motion. The board voted to approve the application 4-1 with Jim Allen abstaining.

- B.) An application for an Outdoor Entertainment Permit submitted by Gary Skellet to allow Outdoor Entertainment at Gary's Olde Towne Tavern found on Tax Map U02 Lot 25 until 11:00 pm on Fridays and Saturdays and 5 events until 12:00 am during the summer.

Gary Skellet was present to explain the application. The board had received an emailed letter from an abutting association, and Mr. Skellet stated that he had spoken with people who lived in the association and that the letter did not represent all of the people who lived there, as some disagreed with the opposition of their Outdoor Entertainment Permit. Mr. Skellet also explained that if the entertainment moved indoors, it would need to go even later than the requested end time as he would need to wait until his dinner rush was over, therefore it may last until 12:30 am rather than 11:00 pm. He also stated that last year, when the loudest band they had play outside were playing, he had gone to the abutting neighbors who were concerned about the noise driveway, and tested the sound level, which only reached 48 decibels. He also stated that most of the people who owned homes in the association next to the restaurant did not have residency, and owned vacation/seasonal homes.

He was asking for Fridays and Saturdays until 11:00 pm after Father's Day Weekend until Labor Day, and 5 events where the music would be allowed outside until 12:00 am, weather permitting.

Ken Foley, the President of Bay Village Road Association, the abutting neighborhood, said that he did not represent the whole of the association. He said that the home that directly abuts the music venue bought it with the understanding with the previous owner, Mike Bra,y would not be having music outside that late.

Sam Merriam, an abutter, stated that for about 10 years the previous business (Bray's Brew Pub) had gotten approval from the Selectboard allow music outdoors until 12:00 am 3 or 4 nights under their Special Amusement Permit. Last year, he thought that Gary only had a Outdoor Entertainment Permit and did not have any other nights allowed but did not realize that he had the separate permit from the Selectboard. He believed that Mr. Skellet should have disclosed that at last years meeting. He also believed that the business violated Disorderly Conduct according to State Statute.

Joanne Jordan who lived across the way from Gary's stated that one of the reasons she moved to Naples was because of venues like Gary's where you could listen to music outside. She believed that entertainment such as his, was one of the reasons why so many people had summer homes or came up as tourists.

Rick Robinson stated that 30 years ago there were many more bars that had entertainment until 1:00 am in the morning, and he believed that there should be at least one place that offered that entertainment late into the evening in town.

Rick Paraschak made a motion to approve the Outdoor Entertainment Permit, to include outdoor music until 11:00 pm on Fridays and Saturdays, Father's Day Weekend until Labor Day Weekend, along with the 5 additional requested nights with an end time of 12:00 am for Gary's Olde Towne Tavern. John Thompson seconded the motion. The board voted in favor 3-2 with Robert Fogg abstaining and Doug Bogdan opposed.

1. Other business as appropriate

- A.) Resignation of James Krainin, Alternate

Mr. Krainin was moving out of State, and wrote the board a letter regarding his resignation. Rick Paraschak made a motion to accept his resignation. John Thompson seconded his motion. The board was in favor.

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

Respectfully submitted,

Kate Matthews  
Administrative Assistant