

**NEWRY PLANNING BOARD  
MINUTES OF BOARD MEETING  
Wednesday, February 5, 2020  
Raymond C. Foster Municipal Building**

*Full discussion on topics below is available on audio recording at the Newry Town Office.*

**Members Present:** John (aka Gootsch) Gauthier (Board Chair), Kenny Young (Board Vice Chair), Gary Drown, Becky Bean (Board Secretary & Recording Secretary)

**Members Late:**

**Members Absent:**

**Staff Present:** Dave Bonney (Code Enforcement Officer), Shelley Norton of AVCOG

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**Call to Order:** Chairman John Gauthier called the meeting to order at 7:00 PM.

**Current Attendance/Quorum:** The Chair took attendance and confirmed the presence of a quorum.

**Prior Attendance/Voting Eligibility:** The Chair confirmed that all Board members are eligible to vote.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes. **Kenny moved to accept the minutes as written, and Gary seconded. During discussion it was decided that Shelley Norton's name should be added as Staff Present. Kenny revised his motion moving to accept the minutes as amended; Gary seconded the revised motion. There was no further discussion. The motion passed with all members voting in favor.**

**Old Business**

- a) **Sunday River Skiway Corporation—Joe Aloisio (#20-253):** Joe Aloisio distributed the revised plans and the revised application to the Board; this newly submitted information is dated with a more recent date than that originally submitted. Joe noted that some of the supporting information that was attached to the original application is not attached to this revised application.

Joe noted that Sunday River is requesting a waiver to the high-intensity soil survey since, due to the variability of the mountain terrain, the lift designers assume and design for poor soils; with that in mind, the engineers do not require a soil survey. Joe confirmed that when the Merrill Hill Estates subdivision application was brought before the Board, test pits were done on each lot.

Joe explained the changes that he made as requested by the Board. Power for snowmaking will be pulled from near the Dream Maker Trail. The snowmaking pipes & hydrants (air and water) will be in the woods above ground along the side of the trails. Electric will only be brought to the bottom of the lift. No lighting is needed since there will be no night skiing in this area.

Joe stated that he replied to the questions asked by the Fosters (an abutter) via email; they did not send a response to his reply.

Discussion ensued regarding the trails that fall on easements. Following discussion, Joe stated that he will provide the Board with a copies of the new easements. Joe stated that the documents are being created by the lawyers now, and added that by the Feb 19<sup>th</sup> meeting, he can provide a plan that indicates the locations of the easements.

It was noted that as of 5pm this evening, the Town Office had not yet received the checks for the application fee and escrow. Joe stated that he mailed the checks last week, and he would look into it.

Discussion ensued in regards to the Foster's concern with runoff encroaching their property. Following discussion, Joe agreed to use a mound of ground stumps as a barrier in that area.

In summary, the Board asked that the following corrections/additional information be provided:

- The initials CCP be corrected to CPP (corrugated plastic pipe)
- The word "Trail" be added before the trail numbers (for example changing 148 to Trail 148, etc.)
- Show the locations of the trail easements
- Provide the detailed bridge design
- A plan with 2' contours for the file
- Add a statement to the plan regarding the barrier to be added near the Foster's property

Per Shelley's request, Joe will provide a digital version of the maps submitted at tonight's meeting for her to review.

The CEO mentioned the letter of credit or escrow account for the roads within the subdivision, and confirmed with the Board that this project is not considered an infrastructure improvement for the subdivision.

This item will be added to the February 19 meeting agenda.

- b) **Geri and David Shepard (Peaks Village)—Eric List of Winter Haven Builders (#20-254):** Eric List came before the Board to see where the Board stands with the Shepard's setback change request. The Board noted that the applicant was asked to provide 11x17" drawings with title boxes etc. Eric provided one set of the 11x17" drawings.

The group discussed some errors noted on the applications in regards to requested waivers.

**Becky moved that in Application # 20-254 for Geri and David Shepard, items # 44 (copies of letters to Fire Chief, Newry Road Commissioner and Oxford County Sheriff's Department), # 49 (a statement from the Town Clerk showing no current tax liens), and # 50 (statement of financial capability) are non-applicable. Even though the applicant wrote "waive" in those sections, the Board sees them as not applicable. Kenny seconded. With no discussion, the motion passed unanimously.**

Eric List then added the word "no" to question # 83 (Does the applicant intend to request waivers of any of the submission requirements?) to clean up that question on the application. Eric initialed and dated the newly added information.

**Kenny moved that Application # 20-254, Peaks Village setback amendment application, is complete. Gary seconded. With no discussion, the motion passed unanimously.**

**Becky moved that since the Peaks Village subdivision has already been reviewed through the Criteria for Approval and the criteria have all been met, and since this application is just for a change in setback on a map, that the Board does not need to go through each criteria individually to approve this application. Kenny seconded. The motion was amended to state that the setback is being corrected on the map for Lot 90, Geri & David Shepard, Application # 20-254. Kenny seconded the amended motion. The motion passed unanimously.**

**Gary moved that the Board approve Application 20-254. Kenny seconded. During discussion, it was noted that the plan is mistitled "The Peaks", but it is actually located in Peaks Village. With that in mind, Becky, Gary and Kenny all voted opposed.**

The applicant agreed to bring ten copies of a revised plan to the next meeting. The Board will vote to approve the application

**Kenny moved that Amendment Application 20-254 Peaks Village Lot 90 Geri & David Shepard is approved with the condition that the applicant will provide 7 copies of the revised application tomorrow; Dave Bonney, the CEO, will issue a Building Permit. If the Board does not receive the copies at the next meeting (Feb 19) they will request that the CEO place a Stop Work Order on the project. Gary seconded. With no discussion, this motion passed unanimously.**

Becky stated that she will do the Findings of Fact once the Board receives the final revised plan.

This item will be added to the February 19 meeting agenda.

- c) **Royal River Development Corporation—Rick Dunton & Esther Bizier of Main-Land Development Consultants (#19-252):** Rick Dunton of Main-Land Development Consultants explained that he is before the Board submitting a formal request letter requesting that the Zone Map Change be initiated. Rick presented a map showing the Zone change that they are requesting and explained the reasoning for the change referring to FEMA's 100-year Flood Elevation Map and the elevation data that Main-Land's field surveyors have collected.

The CEO stated that a Shoreland Zone Permit Application needs to be submitted to clean up the fact that the landowner added over 10 cubic yards of fill to the property and removed vegetation without first receiving the proper permits. If the landowner does not apply for the proper permits, the CEO will be left with no choice but to send the landowner a Notice of Violation.

Discussion ensued as to whether any reference to the 100-year floodplain should be taken out of the Shoreland Zoning Ordinance. Following research, it was found that the State of Maine requires floodplains along rivers and great ponds along rivers defined by the 100-year floodplain, etc. be zoned as Resource Protection.

Rick noted that the applicant would like to officially withdraw the Site Plan application (#19-252) that was previously submitted. The Planning Board Secretary will complete a Findings of Fact for the withdrawn application for the file.

Before the Planning Board send the formal request for the Zone Map Change to the Selectmen, Shelley proposed that she research other maps and verify that there is no other reason than the floodplain for this property to be zoned Resource Protection.

It was noted that there needs to be a 75' buffer shown on each side of the two brooks depicted on the map for Stream Protection. Shelley stated that, as she prepares the map for proposed Zoning change to be presented to the Town, she would use the most current data available and that therefore, the map for this area would be more current than the other Shoreland maps for the Town.

**At 9:30pm, Becky moved to extend the meeting for no more than one half hour; Gary seconded. With no discussion, all members voted in favor.**

Rick confirmed that Main-Land will prepare a Shoreland Zoning Permit Application.

This item will be added to the February 19 meeting agenda.

The applicant will provide a \$500 escrow check to cover Shelley's services for the requested Zoning map change.

#### **New Business**

- a) **AT&T – Jack Andrews of Empire Telecom:** There was no representation at tonight's meeting for this application that was emailed to the Planning Board at 5pm tonight. The proposal is to remove 3 antennas from the wooden

pole and install six new antennas. Following a review of the submitted materials, the Board found that this project does not need Planning Board review. The Chair will notify Jack Andrews and inform him of the Board's findings.

**Findings of Fact** - none

**Mail** - Becky stated that all emails noted below were received via the Planning Board email address and forwarded to all Board members. Any email pertaining to an application was printed for that project's file. No snail mail was received.

- Email received Jan 16 from Eric List of Winter Haven Builders in regards to the Shepard project, Lot 90 of Peaks Village
- Email received Jan 15 from Jack Andrews of Empire Telecomm in regards to AT&T's cell tower at 9 Timberline Drive
- Email sent by Becky Jan 16 to Gootsch copying the whole Board, CEO, and Town Administrator regarding a response to Eric List
- Email received Jan 27 from Jack Andrews representing AT&T with additional information attached
- Email received Jan 27 from Esther Bizier of Main-Land Development Consultants regarding the Royal River Development project
- Email sent by Becky Jan 27 to Esther Bizier responding to her questions
- Email received Jan 27 from Esther with additional information attached for the Royal River project
- Email received from MMA regarding Verbal Judo Workshops – March 27 (Augusta) and ulyb13 (Bangor)
- Email received Jan 28 from Shelley Norton of AVCOG regarding Sunday River's Merrill Hill Lift & Trails project
- Email received Jan 28 from Shelley Norton regarding the Royal River Dev. Corp. project
- Email received Jan 28 from Joe Aloisio of Sunday River regarding the Merrill Hill Lift & Trails project with attachments
- Email from Susan & Bill Hamill, as abutters, forwarded to the Board Jan 30 by Dave Bonney regarding Sunday River's Merrill Hill project
- Email from Susan & Bill Hamill forwarded to the Board Jan 30 by Dave Bonney regarding Joe Aloisio's response to their questions about the Merrill Hill project
- Email received Jan 31 from MMA regarding 2020 Local Planning Boards & Boards of Appeal workshop Feb 20 in Belfast
- Email received Feb 3 from Amy Bernard regarding Planner Services Contract for Shelley Norton's services
- Email received Feb 3 from Shelley Norton regarding her review of Sunday River's Lifts & Trails on Merrill Hill
- Email received Feb 3 from Shelley Norton regarding her attendance at Feb 5 meeting & possibility of teleconferencing into the meetings
- Email received Feb 4 from MMA regarding 2020 Municipal Technology & Energy Conference April 28 in Augusta
- Email received Feb 4 from MMA regarding "How to Run Effective Meetings" workshop April 7 Freeport
- Email received Feb 5 from MMA regarding Freedom of Access Requests workshop March 31 Orono
- Email received Feb 5 from Jack Andrews representing AT&T with Site Plan application and other documents attached

**Next Meeting** – Wednesday, February 19, 2020.

**Adjournment** **Becky moved to adjourn; Kenny seconded. Motion passed with all voting in favor.** The meeting adjourned at 10:04 PM.