

**NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, February 19, 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 (AVCOG)

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: In terms of voting eligibility on the application(s) below, the Chair confirmed that all 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. Gary seconded. With no discussion, the motion passed with all voting in favor.**

Old Business

- a) **Sunday River Skiway Corporation—Joe Aloisio (#20-253):** Joe Aloisio distributed a packet of three maps two of which are revised as requested and the third map shows the easements as requested. The Board proceeded to review the new maps. It was noted that on Shelley's review sheet dated as revised Feb 18, 202, she described the bridges as allowing the roads to be elevated above the ski trails; however, the bridges will actually allow the ski trails to be elevated above the roads. The CEO pointed out that the Town's standard for overhead clearance for a bridge is a minimum of 15'; Joe stated that he will revise the plans to show the elevation as being between 15' and 18', not between 14' and 18' as currently shown.

Shelley proceeded to discuss the results of her review of the application and supporting materials.

Kenny moved to grant a waiver for the high-intensity soil map and report requirement; Becky seconded. With no further discussion, all members voted in favor.

The Board discussed possible Conditions of Approval, which will be voted on during the approval process. They then proceeded to review the UDRO Criteria for Approval for this application.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE

- A. **Pollution** – Becky moved that the applicant has met the required criteria for approval for item A, Pollution, and Kenny seconded. With no discussion, the motion passed unanimously.
- B. **Erosion** – Kenny moved that with the plans for mulched stumpage, silt fencing, and seeding, item B, Erosion, has been met; Gary seconded. The motion passed unanimously.
- C. **Traffic** – Since this amendment does not include any additional housing lots, Kenny moved that C (Traffic), D (Sewage Disposal), and E (Municipal Solid Waste Disposal) are not applicable. Gary seconded. With no discussion, this motion passed unanimously.
- D. **Sewage Disposal** – see above

- E. **Municipal Solid Waste Disposal** – see above
- F. **Aesthetic, Cultural and Natural Values** – Becky moved that the criteria for item F (Aesthetic, Cultural and Natural Values) has been met since this is already an approved subdivision. Kenny seconded. The motion passed unanimously.
- G. **Financial and Technical Capacity** – With the letter included in the application packet, Gary moved that item G (Financial and Technical Capacity) has been met by the applicant. Kenny seconded. The motion passed unanimously.
- H. **Sufficient Water** – Since this development is not adding any additional lots, and the water for snowmaking will be supplied from the river as previously approved by DEP, Kenny moved that items H (Sufficient Water), I (Public Water Supply), J (Surface Waters) & K (Ground Water) are not applicable; Gary seconded. The motion passed unanimously.
- I. **Public Water Supply** – see above
- J. **Surface Waters** – see above
- K. **Ground Water** – see above
- L. **Flood Areas** – Becky moved that items L (Flood Areas) & M (Freshwater Wetlands) are not applicable to this project since the project area does not have any of these on the site. Kenny seconded. The motion passed unanimously.
- M. **Freshwater Wetlands** –
- N. **River, Stream or Brook** – Becky moved that any rivers, streams, or brooks has been identified on the map; therefore, the applicant has met this criteria. Gary seconded. The motion passed unanimously.
- O. **Storm Water** – Kenny moved that item O (Storm Water) has been met with the plans that have been provided by the applicant. Gary seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – Becky moved that item P is not applicable since no lots are being created. Kenny seconded. The motion passed unanimously.
- Q. **Municipal Services** – Becky moved that since this project only adding trails and a lift that it puts no extra burden on the Town’s municipal service. Kenny seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration** Becky moved that item R (Lake Phosphorus Concentration) is not applicable since this project does not fall within the watershed for Howard Pond. Gary seconded. The motion passed unanimously.
- S. **Impact on Adjoining Municipality** – Becky moved that item S (Impact on Adjoining Municipality) is not applicable since the whole project falls within Newry. Kenny seconded. The motion passed unanimously.
- T. **Land Subject to Liquidation Harvesting** – Kenny moved that item T (Land Subject to Liquidation Harvesting) has not been done within the last 5 years; Becky seconded. The motion passed unanimously.
- U. **Conformity with Local Ordinances and Plans** – Gary moved that item U (Conformity with Local Ordinances and Plans) has been met by the applicant; Kenny seconded. The motion passed unanimously.

Becky moved that Application # 20-253 for Sunday River’s Lift and Trails Project on Merrill Hill is approved with the following conditions of approval:

- 1. The project is carried out as approved and as set forth in the application, site plan, and verbal testimony;**
- 2. If any of the supporting data or representation for which this approval is based changes in any way or is found to be incorrect or inaccurate, the applicant shall request in writing from the Planning Board a decision of what impacts those changes will have on the approval. The applicant will then be required to submit those changes for review and approval, and any mitigation required as a result of those changes may be required at the expense of the applicant;**
- 3. No storm water will adversely affect the neighboring properties;**
- 4. All required permits and approvals from other agencies shall be provided to the Town prior to the start of construction, this includes the DEP permit;**
- 5. The Town’s conditions of approval for the Merrill Hill Estates Subdivision are still in affect and not superseded by this approval.**

6. **The applicant will submit a revised ski bridge plan showing the elevation to be between 15 feet and 18 feet versus what is currently shown (14 feet), which is below town standard.**

Kenny seconded the motion. The motion passed unanimously.

- b) **Geri and David Shepard (Peaks Village)—Eric List of Winter Haven Builders (#20-254)—Sign Plans:** Eric List was not present at tonight's meeting and the CEO reported that the applicant has not submitted the corrected plan to him as required per the condition of approval. The Board discussed the issue. The CEO will issue a Stop Work Order until the next Planning Board

Becky moved that a Stop Work Order be placed on the Shepard project until the corrected plan for this project is brought to a Planning Board meeting for the Planning Board to sign; Kenny seconded. With no further discussion, two members voted in favor; Gary opposed. The motion passed.

- c) **Royal River Development Corporation—Rick Dunton of Main-Land Development Consultants--Shoreland Zoning Permit Application (#20-255):** Rick Dunton of Main-Land Development Consultants explained that a Shoreland Zoning Permit Application and a Flood Hazard Development Permit is being submitted to bring the project into compliance with the fill that has been added and the cutting that has been done.

In addition, Rick stated that the applicant would like to withdraw the previous request for the map changes.

The Shoreland Zoning Permit Application was numbered 20-255; and the application fee of \$50.00 with check # 16906.

Shelley Norton reviewed the findings of the research she performed in regards to the applicant's request for the zoning map changes and discussion ensued.

At 9:30 pm, Becky moved to extend the meeting to no more than one-half hour. Kenny seconded. The motion passed unanimously.

Becky moved that the Shoreland Zoning Permit Application 20-255 is complete. Gary seconded. The motion passed unanimously.

SHORELAND ZONING CRITERIA FOR APPROVAL (page 25, section D):

1. Will maintain safe and healthful conditions – Becky moved that item 1 has been met since the applicant has only added fill to the site and the applicant has a plan for erosion control. Kenny seconded. The motion passed unanimously.
2. Will not result in water pollution, erosion, or sedimentation to surface waters – Kenny moved that item 2 (water pollution, erosion, or sedimentation to surface waters) is complete on the condition that the applicant does the erosion control by June 15, 2020. Becky seconded. The motion passed unanimously.
3. Will adequately provide for the disposal of all wastewater – Becky moved that this item is not applicable since there is no proposed development to produce any wastewater. Kenny seconded. The motion passed unanimously.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat – Becky moved that item 4 has been met with the submission of the information from IF&W, the Maine Historic Preservation Commission and the Department of Agriculture. Kenny seconded. The motion passes unanimously.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters – Becky moved that item 5 is not applicable since there is no shore cover and there is no actual points of access to inland waters on this property. Gary seconded. The motion passed unanimously.

6. Will protect archeological and historic resources as designated in the comprehensive plan – Kenny moved that item 6 (protect archeological and historic resources as designated in the comprehensive plan) has been met per the letter from the Maine Historic Preservation Commission provided with the application. Becky seconded. The motion passed unanimously.
7. Will avoid problems associated with flood plain development and use – Becky moved that item 7 has been met since the area was surveyed and found to be above the base flood elevation even before the additional fill was added. Kenny seconded. The motion passed unanimously.
8. Is in conformance with the provisions of Section 15, Land Use Standards:

Section 15, Land Use Standards (page 10):

- A. Minimum Lot Standards –
- B. Principal and Accessory Structures –
- C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland –
- D. Campgrounds –
- E. Individual Private Campsites –
- F. Commercial and Industrial Uses –
- G. Parking Areas –
- H. Roads and Driveways –
- I. Signs –
- J. Storm Water Runoff –
- K. Subsurface Wastewater Disposal –
- L. Essential Services –
- M. Mineral Exploration and Extraction –
- N. Agriculture –
- O. Timber Harvesting –
- P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting –
- Q. Erosion and Sedimentation Control –
- R. Soils –
- S. Water Quality –
- T. Archeological Sites –

Kenny moved that after reviewing Section 15, item 8 has been met. Becky seconded. The motion passed unanimously.

One condition of approval has been applied to this application: erosion control needs to be completed by June 15 2020.

Discussion regarding the \$500 escrow amount ensued. Rick will contact his client in regards to the \$500 escrow check for AVCOG's work on the requested Zoning Map change.

Becky moved that the Board approve Application #20-255 the Shoreland Zone Application for Royal River Development with the Condition that the erosion control measures are completed by June 15, 2020. Kenny seconded. The motion passed unanimously.

New Business - none

Findings of Fact

- a) **Royal River Development Corporation—Site Plan Application #19-252:** With the time being after 10pm, review of this item was postponed to the Board's next meeting.

b) **AT&T – Jack Andrews of Empire Telecom:** With the time being after 10pm, review of this item was postponed to the Board’s next meeting.

Mail - With the time being after 10pm, review of this item was postponed to the Board’s next meeting.

Open Discussion

a) The Board discussed making time for the work that needs to be done on the ordinances. It was decided that the Board will meet at 5:30 Wednesday, March 4 (prior to its regular meeting), for an ordinance workshop. Shelley noted that the Town of Newry is 2 or 3 versions behind on the State of Maine’s recommended revisions in the Shoreland Zone Ordinance and offered to bring a revised SZ Ordinance showing the recommended changes for the Planning Board to review.

Next Meeting – Wednesday, March 4, 2020.

Adjournment **Becky moved to adjourn; Kenny seconded. Motion passed with all voting in favor.** The meeting adjourned at 10:14 PM.

APPROVED