

**NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, July 15, 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),
Becky Bean (Board Secretary & Recording Secretary)

Members Late:

Members Absent:

Staff Present: Dave Bonney (Code Enforcement Officer); Shelley Norton of AVCOG via Zoom (*NOTE: the audio from the Zoom call is inaudible on the recording*)

Call to Order: Chairman John Gauthier called the meeting to order at 7:02 PM.

Current Attendance/Quorum: The Chair took attendance and confirmed the presence of a quorum, and noted for the record that Gary Drown has resigned from the Board.

Election of Officers: Becky nominated Gootsch as chairman; Gootsch accepted the nomination, and Kenny seconded. The vote was unanimously in favor. Gootsch nominated Kenny as Vice Chair; Kenny accepted the nomination, and Becky seconded. The vote was unanimously in favor. Kenny nominated Becky as Secretary; Becky accepted the nomination, and Gootsch seconded. The vote was unanimously in favor.

Previous Meeting's Minutes: The Board reviewed the minutes of the prior meeting, which was March 4th. **Kenny moved to accept the minutes as written, and Gootsch seconded the motion. With no discussion, the motion passed with all voting in favor.**

The Board reviewed the notes from the March 4th Shoreland Zoning Workshop. **Kenny moved to accept the Shoreland Zoning workshop minutes; Gootsch seconded, and the motion passed unanimously.**

Old Business - none

New Business

- a) **Sunday River Skiway Corporation— Shoreland Zone Permit Application (#20-256)— Pumphouse #1 Intake Pipe Replacement:** Peter Roberts of Sunday River distributed to the Board copies of his application, associated maps, and a copy of an email from the State of Maine DEP regarding an exemption for ski resorts working in an already permitted area. Peter also submitted a check (#68880) in the amount of \$50 to cover the \$25 Shoreland Zone Permit application fee as well as the \$25 Flood Hazard Permit Application fee, and proceeded to explain the plans to replace the intake pipe feeding from the Sunday River to Snowmaking Pumphouse #1.

The CEO referred to the Shoreland Zoning Ordinance and read portions of the Non-Confirming Structures section beginning on page 3 to see if this project falls within that section under repair and maintenance. It was decided that the pipe is not a structure so this section has no bearing on this review. However, the amount of planned excavation (greater than 10 yards) within the 100-year floodplain triggers this project to require Planning Board review. Peter noted that this project will require approximately 600 yards of material to be moved as the new pipe is being installed. The new pipe will be placed adjacent to the old pipe; the old pipe will be discontinued and left in the ground (not removed).

Becky Bean stated for the record that she works at Sunday River, and that the approval or denial of this application has no bearing on her employment at the resort. She stated that she has no bias, and asked the Board to vote on whether they feel if there is any bias or conflict of interest. No motion or vote was made.

As a matter of business, the Chair confirmed that the Board has authority to review this application per line 31 in the Land Use Table on pages 8 & 9 of the Shoreland Zoning Ordinance. Although a letter stating such was not submitted, it is common knowledge that the applicant owns the property where the proposed project is located. In regards to bias or conflict of interest, the Chair noted that Becky has reported none even though she works at Sunday River, and then confirmed that neither he nor Kenny have any bias or conflict of interest. The application fee has been paid per the fee schedule found on the Town of Newry's website. It was decided that no escrow was needed for this project. The Chair assigned a number to the application (#20-256).

Kenny moved that Application #20-256 is complete; Becky seconded. During discussion, the CEO noted that no soils reports was submitted for the excavation. The motion passed unanimously.

During the discussion portion in the motion above, the Board asked the applicant to add a note to the plan stating that any unstable soils will be temporarily or permanently stabilized if the site is left unattended more than 7 days, add the roads and parking area to the drawing, and label the transformer.

Kenny moved that a site visit be waived for Application 20-256; Becky seconded. The motion passed unanimously.

Becky moved that a public hearing is not needed for this project; Kenny seconded. The motion passed unanimously.

It was found that the Shoreland Zoning Application form does not include a question regarding requested waivers. Following discussion, **Becky moved to waive the soils report requirement for this project; Kenny seconded. The motion passed unanimously.**

NOTE: at this point, the audio recorder unknowingly stopped recording.

Peter confirmed that he will bring a revised plan to the next meeting with the note regarding soil stabilization added, showing the roads and parking area, and labeling the transformer.

This item will be added to the next meeting agenda.

- b) **Sunday River Skiway Corporation— Site Plan Amendment Application (#20-257)—Dream Maker Lodge Condominiums (original app #17-235):** Peter distributed the Amendment Application and the site map to the Board; the original application was used as the Amendment application by striking through any information that is being changed and adding the revised information in its place. Peter also submitted a check (#68881) in the amount of \$100 to cover the application fee and went on to explain the changes proposed to the originally approved application. The proposed changes include the reduction of the number of units from 29 units to 22, and the elimination of off-site parking. Even though the number of units is being reduced, the building's footprint will be increased from 10,134 square feet to 11,079, the square footage of all floors in the structure will increase from 37,244 to 44,316, and the percentage of the lot covered by structures will increase from 8.6% to 9.4%.

NOTE: at this point, the recorder malfunction was noticed and a second audio recorder was powered up.

The Board proceeded to review the application and the map and ask the applicant some clarifying questions (i.e. questions about the meadow buffer and how it functions, questions about the number of parking spaces which

with the reduced number of units if now one or two more than required, etc.). The CEO asked about the total impervious area. The applicant stated that 34.3% of the lot will be impervious.

The applicant questioned if the project construction deadlines placed on the originally approved application (which was approved April 4, 2018) would be reset with the approval of this amendment. The Board discussed this question with Shelley Norton and she confirmed that looking through the ordinance, this seems to be a gray area. She stated that she would research it further before the next meeting.

Peter confirmed that he will revise the amendment application correcting the info provided for item 60 (changing the number of units from 29 to 22); noting the original application # and approval date on the first page of the application; adding his name, contact information, and registration # to items 15, 17 & 18; site the laws for exemption from DEP review; and on the drawing, add the dimensions of the building and note the increase in square footage of the building.

This item will be added to the next agenda.

Findings of Fact

- a) **Sunday River Skiway Corporation—Site Plan Application #20-253--Lift & Trails on Merrill Hill: Becky moved to approve the revised Findings of Fact for Application 20-253; Kenny seconded. The motion passed unanimously.**
- b) **Royal River Development Corporation—Shoreland Zone Permit Application #20-255: Becky moved to approve the revised Findings of Fact for Application 20-255; Kenny seconded. The motion passed unanimously.**
- c) **Geri and David Shepard (Peaks Village)—Site Plan Amendment Application #20-254: Kenny moved that Application 20-254's Findings of Fact be approved; Gootsch seconded. The motion pass unanimously.**

Mail – *All emails listed below (received between the March 4th meeting and tonight's meeting) were forward to the Board prior to tonight's meeting, but the list of emails was not read at the meeting. No paper mail was received.*

- Email from Dave Bonney, dated 3/11/2020 RE: UDRO thoughts – possible changes to the UDRO
- Email from Shelley Norton, dated 3/12/2020 RE: Planning Board meeting and Planning Day on Nov 4th
- Email from Amy Bernard, dated 3/16/2020 RE: March 18 PB Meeting – Newry Select Board has cancelled all public meetings until further notice.
- Email from Dan Davis, dated 3/20/2020 RE: Newry Local Food & Self-Governance Ordinance
- Email from Amy Bernard, dated 3/31/2020 RE: Gary Drown Resignation
- Email from Mark Johnson, dated 4/2/2020 RE: Current STR (Short-term rental) Activity in Town of Newry
- Email from Paul Hetherington, dated 4/7/2020 RE: Short-term Rentals: The invisible non-essential business
- Email from Shelley Norton, dated 4/7/2020 RE: Working Remotely
- Email from Amy Bernard, dated 4/21/2020 RE: AVCOG Launches Planning Training Website
- Email from Dan Davis, dated 6/14/2020 RE: Newry Local Food & Self-Governance Ordinance (follow up) – Dave Bonney replied to Dan Davis on 6/18/2020
- Email from CEO forwarding email from Shelley Norton, dated 6/15/2020 RE: Training from AVCOG website for Planning Board Members/BOA Members
- Email from Peter Roberts, dated 6/17/220 RE: Info for upcoming PB meeting
- Email from Shelley Norton, dated 6/29/2020 RE: MMA's Local Planning Boards and Boards of Appeals Training via Zoom July 30th (register before July 29)
- Email from Christa Watson, dated 6/30/2020 RE: Safe Short-Term Rentals
- Emails from MMA regarding:
 - Regulating Vacation Rentals Live ZOOM Webinar - May 27 at 1:30pm (register before May 26)
 - Drones: A Legal Update Live ZOOM Webinar – July 9 at 2pm (register before July 8)
 - Verbal Judo Live ZOOM Webinar – July 16 & 17 (register before July 6)

- Cultural Competency & Diversity 101 Live ZOOM Webinar – June 30 at 10am (register before June 29)
- Local Planning Boards and Boards of Appeals Training via ZOOM July 30th at 4:30pm (register before July 29)
- Introduction to De-Escalating Techniques Live ZOOM Webinar July 8 at 10am (register before July 7)

Open Discussion

- a) Newrymaine@gmail.com email addresses for each individual Planning Board member has been set up.
- b) **Schedule Workshop regarding Ordinance Revisions** – In addition to the two Sunday River applications on the agenda for the August 5th Planning Board meeting, Becky noted that she has heard from two other folks which have requested to be added to that agenda. Becky asked those folks to email their requests along with any information/application to the Planning Board’s email address (newryplanningboard@gmail.com) and she will forward their info along to the whole Board for review at the Board’s next meeting. One request came from Gabe Perkins in regards to a hiking trail in Bingham Forest, and the other request was from Gary Inman in regards to a 3-lot subdivision. With 4 items already on the agenda, no workshop will be scheduled for the next meeting. Shelley asked when the Town Meeting is scheduled to be held; no one in attendance knew the answer to that question. Becky will ask Amy Bernard and let Shelley know.
- c) The Board discussed the audio issues with the Zoom participation, and suggested rearranging the room so the Board members sit closer to the TV.
- d) The Board discussed how we would abide by social distancing guidelines with multiple applicants attending the next meeting. It was suggested that perhaps we could ask applicants to wait in their vehicles until the Board gets to their item on the agenda. It was noted that these meetings are open to the public.

Next Meeting – Wednesday, August 5, 2020

Adjournment – Kenny moved to adjourn; Becky seconded. Motion passed with all voting in favor. The meeting adjourned at 9:31 PM.

APPROVED