

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

**Members Late:**

**Members Absent:**

**Staff Present:** Dave Bonney (Code Enforcement Officer); Shelley Norton of AVCOG (via Zoom)

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**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.

**Prior Attendance/Voting Eligibility:** All members are eligible to vote since there have been no recent absences.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes. **Kenny moved to accept the minutes of the August 5<sup>th</sup> meeting as written; Becky seconded. With no discussion, the motion passed unanimously.**

**Old Business** - none

**New Business**

- a) **Terra Pine Subdivision-Rick Dunton, Main-Land Development---Pre-application Discussion:** Rick Dunton of Main-Land Development introduced his client, Rick Eng of Terra Pine LLC, and explained the proposed project located on the Sunday River Road directly across from the intersection of Vista Road. Rick Eng explained his desire to develop a cluster development of affordable, single-family homes in the area. Gootsch and other Board members mentioned to the applicant that they have seen this property completely under water a number of times. The CEO clarified that this is antidotal information; this property is not located within the floodplain according to FEMA maps. He went on to explain that he feels the water does not come from the brook overflowing, but rather water (whether rain or snowmelt) getting trapped in the bowl-shaped area. Rick Dunton stated that he would take that information into consideration.

They went on to explain the proposal for a cluster development of 13 two-bedroom, two-bath, open concept kitchen/living room/dining room single-family homes with community septic and community water systems. There will be zero lot line development as each buyer would just own the footprint for their home. The rest of the property would be held in common: roads, lawns, water & sewer, as well as the open space required for the cluster development). The common property would be managed by the HOA's property management company; the HOA would handle all outside maintenance (mowing, snow removal, any septic maintenance, etc.) The homes will have a crawl space under them. The roadway and driveways will be paved. The distance between the buildings is shown as 20' on the plans.

The group discussed how much open space is required for the cluster development (50% of the lot) and if access to that space needs to be provided via a bridge over the brook.

Rick Dunton explained to the Board the common septic system that's proposed with each home having its own septic tank and using Advanced Treatment Units (ATU) before it flows to the leach fields. Garbage disposals will not be allowed; it was suggested that wording be included in the deed covenants.

A new DOT entrance permit would be required since the entrance onto the Sunday River Road is different than what was noted in the previously approved subdivision application back in 2013.

The CEO noted that there is a septic field on that lot from the previously proposed development.

Suggested changes to the map: The common land would need to be notated on the map, the map shows the corner of Unit 9 being within the 100-year flood zone (that would need to change), and the steep slopes calculation should be changed from 0.00 acres to its actual size (approx. half acre).

The group discussed the requirements for fire protection as well as the common land.

Rick Dunton will notify the Board if and when they are ready to be added to the agenda again.

### **Ordinance Workshop**

- a) **Shoreland Zoning Ordinance Review** – the Board reviewed outstanding decisions that still needed to be made following the March 4<sup>th</sup> workshop:
- Language regarding significant river segments was removed.
  - The term “meandering” was defined for the glossary.
  - DBH (diameter at breast height) was removed from definitions.
  - Page 1 Applicability – The Board decided to keep the more stringent language that includes the 100 year floodplains of the Sunday River and Bear River.
  - Page 8 Resource Protection Districts – optional language under items 13.A and 13.A.1—the Board decided to keep the optional language that includes protection of waterfowl.
- b) **UDRO Review** –
- The format of the table of contents will be changed from ALL CAPS to sentence case.
  - Remove section C3 (page 1 Applicability).
  - Add a reference to Sec XVB (Parking Standards) in section D3 (page 2 Exemptions).
  - Page 12 item U change the final semicolon to a period, and move the word “and” from the end of item S to the end of item T.
  - Page 20, item B.1 – Vice Chair will be capitalized.
  - Page 20, B.1 – the Board decided to stay with the minimum requirement of requesting two weeks in advance to be added to the agenda.
  - Page 22, item B.6 – change selectmen to Select Board; remove the repetition where it's stated: “...shall be held ~~be held~~ in...”; add the word “escrow” to read: “non-interest bearing escrow account; change “any unused portion of the additional fee shall be returned to the applicant” to any unused portion of the escrow account shall be returned to the applicant”.

Due to the time of night, the board paused this review. Another Ordinance Workshop will be scheduled for the Board's next meeting.

**At 9:30 pm, Becky move to extend the meeting for no more than 15 minutes; Gootsch seconded. The motion passed unanimously.**

### **Findings of Fact**

- a) Sunday River – Shoreland Zoning Application – River Pumphouse Intake Pipe APP # 20-256: **Kenny moved that the findings of fact for Application # 20-256 – Shoreland Zoning Permit for Sunday River Skiway Corporation Intake Pipe Replacement for Pumphouse 1 – are approved as written; Becky seconded. Motion passed unanimously.**
- b) Sunday River – Site Plan Application Amendment – Dream Maker Lodge Condominiums APP # 20-257: **Kenny moved that Application # 20-257 Boyne Properties, Dream Maker Lodge Amendment Findings of Fact is approved as written; Becky seconded. The motion passed unanimously.**

**Mail** *All emails listed below (received between the August 5<sup>th</sup> meeting and tonight's meeting) were forward to the Board prior to tonight's meeting. The emails were not read at the meeting. No USPS mail was received.*

- Email from Rick Dunton, dated 8/12/23020 RE: 20-125 Preliminary or sketch plan meeting
- Email from Ethan Henley, dated 8/16/2020 RE: Robertson Farm on agenda
- Emails from MMA regarding:
  - Cultural Competency & Diversity 101 Live ZOOM Webinar – August 11 at 10:00am
  - 2020 Local Planning Boards & Boards of Appeal Workshop/ ZOOM Webinar – Sept 9 at 4:30pm
  - Managing Freedom of Access Requests Live ZOOM Webinar – August 26at 2:00pm
  - 84<sup>th</sup> Annual MMA Virtual Convention – October 7-15, 2020

**Open Discussion**

- a) Update from CEO – speculation on lots at Great Brook in regards to lot line changes; may come before the Board. Work has begun on Merrill Hill roads. He received a complaint from a citizen in regards to Rick Nelson; Rick received a permit from DEP to walk his mini excavator across river.

**Next Meeting** – Wednesday, September 2, 2020

**Adjournment** **Becky moved to adjourn; Kenny seconded. Motion passed with all voting in favor.** The meeting adjourned at 9:42 PM.