

**NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, September 2, 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

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: With no recent absences, all members are eligible to vote.

Kenny noted that he would need to leave the meeting before the Ordinance Workshop begins. It was decided that we would hand all Planning Board business and end the regular meeting before starting the workshop. Since no votes would be necessary at the workshop, it was believed that the workshop would not require a quorum.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Kenny moved to accept the minutes as written. Becky seconded. There was no discussion. The motion passed with all voting in favor.**

Old Business - none

New Business

- a) **Ethan Henley – tree removal in Shoreland Zoning District:** Ethan Henley explained that he has two small fields separated by a wooded parcel of land. To make one larger field out of the two smaller fields, he would like to remove the trees from 1.36-acres of that parcel, some of which falls within the Shoreland Zoning District. At this point, he only plans to use it as a hay field. The Board and the CEO referred to the Shoreland Zoning Map and discussed the DEP requirements and the requirements noted in the Shoreland Zoning Ordinance. The CEO noted that the Shoreland Zoning Map does not show a 250'-wide Resource Protection buffer for the Bear River in the area in question, even though the Shoreland Zoning Ordinance states that the land within 250' of the edge of the Bear River is considered Resource Protection District. The Resource Protection buffer in this area as shown on the map looks to only be approximately 20' from the river's edge. The CEO also noted that the map takes president over the written ordinance.

The Board referred to the Land Use Chart on page 9 in the Shoreland Zoning Ordinance and it seems that this project is before the Board because the use is considered agriculture. The only "tilling" would actually be harrowing to remove the roots and smooth out the land for planting hay seed. No tillage would take place.

It was decided that Ethan will need to submit an application to the Board and provide a site map that shows the area to be disturbed and clearly show the portion that lies within Resource Protection. Ethan was asked to email the documents to the Board at newryplanningboard@gmail.com and bring 7 copies of the application and supporting documentation to the next Planning Board meeting.

Gootsch noted that, since applicant plans to open up more than one acre, he should contact DEP and to get their approval.

Shelley noted that the Board should make any approval conditioned on the use of that land being a hayfield and not tilled. If the land were to be used for any other purpose, the owner would need to come back before the Planning Board for review.

Shelley offered to send an email to DEP to verify how they look at tillage soil and verify how a hay field should be treated; the Board appreciated her offer and asked that she move forward with that email.

Findings of Fact - none

Mail *All emails listed below (received between the August 19th meeting and tonight's meeting) were forwarded to the Board prior to tonight's meeting; the emails were not read aloud at the meeting.*

- Email received 8/25/2020 from Christa Watson RE: Find Value in Short-Term Vacation Rentals
- Email received 8/30/2020 from Gary Inman regarding a request to be added to the agenda for Red Arrow Subdivision
- Email received 8/31/2020 from Gary Inman regarding letter of authorization from Michael Orlov, co-owner of Red Arrow property
- Email chain between Gary Inman and Becky Bean (dates Aug 31 & Sept 1, 2020) regarding the Planning Board's agenda
- Documents dropped off at the Town Office by Gary Inman in regards to Red Arrow Subdivision: packet with State of Maine DEP Construction BMPs; letter from Affordable Well Drilling dated Aug 10, 2020; and Subsurface Wastewater Disposal System Application dated Aug 7, 2020. Copies of this packet was distributed to Board members, placed in the file and left for public view in the Town Office.
- Emails received from MMA:
 - 2020 Local Planning Boards & Boards of Appeal Sept 9th Zoom webinar– 4:30pm
 - Legal Update on Recreational Marijuana Oct 29th Zoom webinar – 2:00pm
 - 84th Annual MMA Virtual Convention October 7-15, 2020

Open Discussion

- a) Becky was asked to remind Gary Inman to bring 7 copies of this complete application and supporting documentation with him to the next meeting.

Kenny left the meeting as planned.

Next Meeting – Wednesday, September 16, 2020.

Adjournment of the Board's regular meeting: Becky moved to adjourn; Gootsch seconded. Motion passed with all voting in favor. The meeting adjourned at 7:52 PM.

The remaining Board members entered into the Ordinance Workshop

The Ordinance Workshop began at 7:57

- a) Page 22, item B.8 – Abutter Notice, page 24 item 13, page 102 definition of abutter is inconsistent as to if the notices are to be sent to those within 1000 feet of the property line or 1000 feet from the project. **Following lengthy discussion, it was decided to put this decision on hold for now.**
- b) Page 23 item C.I.A1 & page 24 item CII.A – the Board decided to continue to request 10 copies of applications and supporting documents since in the case of a full Board copies would be needed for the Board's 5 members and two alternates plus a copy for the Town's files, a copy for the CEO, and one for public viewing.

- c) Page 23 item C.I.A.2 – remove “shall be submitted” – the Board agreed; that phrase should be removed.
- d) Page 23 Item C.I.A.2 – swapping # 3 & 4 – it was decided to keep it as is.
- e) Page 23 item C.I.B – make it fit new requirements from Registry of Deed – yes, “stable based-transparent originals” will be changed to “submitted on white paper with a minimum weight of 20lbs”.
- f) Page 23 item C.I.B.4 – “in a format specified by the Planning Board” will be replaced with “see Exhibit C for format”.
- g) Page 28 item E.30 – remove the phrase “This space shall be similar to the example in Exhibit C.”
- h) Page 28 – ADD an item # E.31 – regarding a Registrar’s block no smaller 3”x3” for recording county, date, time, plan book & page, and registrar’s attest.
- i) Page 28 – ADD an item # E.32 – regarding Title block to include name of plan record owner’s name and address, and location of project by street & town, and date of plan.
- j) Page 121 Exhibit C – remove three signature lines so there’s just one line for Chairman and 4 lines for Board members
- k) Page 32 item D.C.a.i. – change “stable based-transparent originals” will be changed to “submitted on white paper with a minimum weight of 20lbs”. – Shelley will do a search to ensure this change is made throughout the UDRO.
- l) Page 32 – ADD the info from the 2 new items (E.31 & E.32) to this area for the Final Plan as appropriate.
- m) Page 24 item C.II.B. – “Proposed name of the project (Subdivision, Commercial venture)...” will be replaced with “Proposed names of roads within the project approved by the E-911 Addressing Officer”.
- n) Page 54 item A.A.9 – **Following lengthy discussion, it was decided to put this decision on hold for now.**

It was decided to conclude the Workshop for tonight and revisit it at the October 7th meeting if the agenda allows.

The workshop ended at 8:56.