

**NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, September 16, 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: Shelley Norton of AVCOG

Call to Order: Chairman John Gauthier called the meeting to order at 7:12 PM. The meeting began late due to technical difficulties.

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

Prior Attendance/Voting Eligibility: All member were in attendance at the last meeting, and therefore, are eligible to vote.

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

Old Business

- a) **Red Arrow Subdivision-Michael Orlov & Temkin Realty LLC; Gary Inman, agent—Site Plan Application (#20-258):** Gary Inman left 7 copies of his complete application with supporting documentation for the Board. These copies included the revised site map showing soil test locations as requested. Gary stated that he has not received any calls or correspondence from any abutters. The Board proceeded to review the information.

It was noted that question 39 regarding Fire Protection has not been addressed. The Board reviewed Residential Life Safety and Fire Protection on page 56 in the UDRO, which gives three options (a cistern, individual sprinklers, or a fire pond). It was recommended that the agent/applicant review the options in the UDRO (page 56) and submit to the Board a revised application and revised site map noting the Fire Protection that will be used.

Abutter, Stephanie Erickson, attended the meeting to request that the Board consider requiring a buffer be put up between her house and Lot 3 (the lot line parallel to the road and the lot line at a 45-degree angle to the road) per section XIII.AA.3. Kenny stated for the record that he spoke with Stephanie prior to the meeting to review the application with her; she also met the CEO.

The applicant was asked to review the Buffer section (pages 53 & 54) in the UDRO to ensure that the buffer that will be put in place meets the standards of the Ordinance.

The applicant was asked to note the wells of the abutting properties on the site map.

The applicant was asked to send his revised application pages and revised site map via email to newryplanningboard@gmail.com and also bring 7 copies to the next meeting.

This project will be added to the next meeting's agenda.

b) **Ethan Henley – Tree Removal in Shoreland Zoning District (#20-259):** Eric submitted one copy of his application to the Board so the Board took turns reviewing the document. The Board determined that it has jurisdiction to review the application because agriculture in the Resource Protection District falls under Planning Board review. The applicant is known to own the property in question. There was no bias for conflict stated from any Board members. This application seems fairly straightforward; therefore, no escrow is needed for the review of this application.

The application was numbered 20-259.

It was decided that no site visit nor public hearing is necessary. **Becky moved that a site visit and public hearing is no necessary for this application. Kenny seconded. The motion passed unanimously.**

This agenda item was briefly set aside while the applicant left to get money to pay the application fee.

The Chair discussed with Shelley Norton a site map brought in by Gary Inman to amend Chase Hill Subdivisions Lot #5, for which the lot lines were not recorded accurately. Gary was advised to complete a Site Plan Application for the amended sections for the Planning Board's review.

The Board returned to the review of Ethan Henley's Shoreland Zoning application.

The applicant, Ethan Henley, paid the \$25 application fee with check # 5262.

Kenny moved that 20-259 Ethan Henley Shoreland Zoning Tree Cutting application is complete. Becky seconded. The motion passed unanimously.

Becky moved that a Condition of Approval be placed on this application stating that the approval is for a hayfield only and that if the landowner decides to do any other agriculture, anything that involves tilling the land, they would need to come back before the Planning Board for review in regards to tilling within the Shoreland Zone; Kenny seconded. The motion passed.

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

1. Will maintain safe and healthful conditions – **Kenny moved that Application 20-259 will maintain safe and healthful conditions because it is being turned into a hayfield from forest land; Becky seconded. The motion passed unanimously.**
2. Will not result in water pollution, erosion, or sedimentation to surface waters – **Becky moved that with the erosion control plan submitted with the application, this project will not result in water pollution, erosion, or sedimentation to surface waters. Kenny seconded. The motion passed unanimously.**
3. Will adequately provide for the disposal of all wastewater – **Kenny moved that because there are no dwellings or buildings, there will not be any disposal of wastewater, and this item is not applicable. Becky seconded. The motion passed unanimously.**
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat – **Kenny moved that there will not be any adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat because the project changes one habitat to another habitat. Becky seconded. The motion passed unanimously.**
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters – **Becky moved that with the buffer that is going to be maintained, this project will conserve shore cover and visual, as well as actual, points of access to inland waters. Kenny seconded. The motion passed unanimously.**
6. Will protect archeological and historic resources as designated in the comprehensive plan – **Becky moved this project will protect archeological and historic resources as designated in the comprehensive plan. Kenny seconded. The motion passed unanimously.**

7. Will avoid problems associated with flood plain development and use – **Becky moved that, since there is no change in elevation and no buildings being constructed, this project will avoid problems associated with flood plain development and use. Kenny seconded. The motion passed unanimously.**
8. Is in conformance with the provisions of Section 15, Land Use Standards: **Kenny moved that application 20-259 is in conformance with Section 15 Land Use Standards. Becky seconded. The motion passed unanimously.**

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 –

Becky moved that the Board find items A through M not applicable, and in regards item J, Storm Water Runoff, is not applicable because there are no impervious surfaces being created. Kenny seconded. The motion passed unanimously.

- N. Agriculture – **Becky moved that the applicant stated that he is aware of and will follow the Maine Department of Agriculture’s Manure Utilization Guidelines, will not stock pile manure within 75’ of the river, is not tilling the soil, and does not plan to have grazing livestock on the property, and therefore, Item N has been met for this project. Kenny seconded. The motion passed unanimously.**
- O. Timber Harvesting – **Becky moved Item O, Timber Harvesting, does not apply to this project. Kenny seconded. The motion passed unanimously.**
- P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting – **Kenny moved that Clearing or Removal of Vegetation for Activities Other than Timber Harvesting has been met because this application is for agriculture and the applicant is leaving a 75’ buffer for the stream, and is not producing a driveway or any activity such as that. Becky seconded. The motion passed unanimously.**
- Q. Erosion and Sedimentation Control – **Kenny moved that, with the submitted Erosion Control Plan, the applicant is in compliance with this item. Becky seconded. The motion passed unanimously.**
- R. Soils – **Becky moved that the soils on the property are appropriate for proposed use, which is to use the property as a hayfield, and therefore, the standards for Item R have been met. Kenny seconded. The motion passed unanimously.**
- S. Water Quality – **Becky moved that the applicant has stated that he will abide by the criteria for water quality and will not deposit on or into the ground or discharge into the water any pollutants. Kenny seconded. The motion passed unanimously.**

- T. Archeological Sites – **Becky moved that this property is not on the national register for historic places nor is it eligible to be listed on the national register for historic places; therefore, this item has been met. Kenny seconded. The motion passed unanimously.**

Becky moved that the Planning Board approve Application 20-259 for Ethan Henley, Tree Cutting in Shoreland Zone, with one condition: That the property be used for a hayfield only, and if the owner of the property chooses to change the use for any reason, they are to come back before the Planning Board. Kenny seconded. The motion passed unanimously.

New Business - none

Findings of Fact - none

Mail--*All emails listed below (received between the Sept 2nd meeting and tonight's meeting) were forwarded to the Board prior to tonight's meeting; the emails were not read aloud at the meeting.*

- Emails received from MMA:
 - Legal Update on Recreational Marijuana Oct 29th Zoom webinar– 2:00pm
 - 84th Annual MMA Virtual Convention October 7-15, 2020
 - MMA's Spurring Civic Engagement Webinar Nov 16th – 2:00pm

Open Discussion

- a) The board will do an Ordinance Workshop at the next meeting if the agenda allows.

Next Meeting – Wednesday, October 7, 2020.

Adjournment **Becky moved to adjourn; Kenny seconded. Motion passed with all voting in favor.** The meeting adjourned at 9:13 PM.