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10.21.2020

NEWRY PLANNING BOARD  
MINUTES OF BOARD MEETING  
Wednesday, October 7, 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 7:05 PM.

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

**Prior Attendance/Voting Eligibility:** Since all Board members have attended recent meetings, they are all 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. There was 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 distributed the items requested at the previous meeting – a revised page three showing method of fire protection, a revised page 8 updating the waivers being requested (removing #39 regarding fire protection) and including an updated signature dated 9/23/2020, a revised plan showing the locations of the septic systems on the neighboring lots, and a letter regarding Abutter (Stephanie Erickson's) Concerns dated 9/23/2020. Gary explained that his client has agreed to work with the neighbor (Stephanie Erickson) to come up with a solution for the requested buffer, and in regards to fire suppression, his client has also agree to require sprinklers in the homes.

Becky stated that she misspoke at the previous meeting when she said that the Board had already found this application complete. While reviewing the previous meeting minutes in regards to this application, she realized no motion had been made in regards to completeness.

Becky then moved that the Board find Application # 20-258, Red Arrow Subdivision, complete. Kenny seconded, and the motion passed unanimously.

It was decided that the buffer for the Erickson property should be made as a condition of approval and noted on both the final plan and the deed.

Following discussion, Gary was asked to revise the plan to show:

- 1) The proposed driveway for Lot 2 (or a proposed 75' neighborhood road leading into the subdivision);
- 2) The details and location of the buffer between Lot 3 and the Erickson property;
- 3) A note clarifying that sprinklers would only be required in the homes of Lots 2 & 3 since the home on Lot 1 is already built;
- 4) And clarify the total road frontage (101 feet) on the Sunday River Road.

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This item will be added to the next meeting agenda.

**New Business**

- a) **Chase Hill Subdivisions-Keith P. Durgin & William A. Day Jr and Sons Land Holdings LLC; Gary Inman, agent; Amendment Application (#20-260):** Gary Inman distributed the Amendment application and explained that his original proposal was for the clarification of lot lines for just one lot; however, he stated that while he was working in that area, it was decided that he would clarify (and in some cases amend), the lot lines for a total of 6 lots (Lots 5, 6, 12, 13A, 13B, & 14). Gary noted that Lot 13, which was naturally split into two lots due to a road (Chase Hill Drive) traveling completely through it, is now numbered 13A and 13B.

Gary was asked to clarify on the application that the applicant is both: Keith P. Durgin AND William A. Day Jr. and Sons Land Holdings LLC; and that their addresses are: 367 Bear River Rd, Newry, ME 04261 / 28 Wild Turkey Lane, Porter, ME 04068.

He was also asked to reference on the Amendment Application the year(s) that the original subdivision was approved: 1975 & 1976. This should be noted on the top portion of page 1 where it states "List all previously approved Application #(s) pertaining to this project as well as the date each application was approved".

The application was numbered 20-260, and the application fee of \$400 was paid via check # 5997.

For the record, it was confirmed that the Board has jurisdiction over this per State Subdivision Law stating that if a subdivision is approved by a town in the past, any amendment must come before the Planning Board. The Board has received an authorization letter or email from each owner allowing Gary to act as their agent, and the Board has a copy of the deed confirming ownership. When asked, no Board member stated they have any bias or conflict of interest. It was decided that no escrow is needed for the review of this amendment application.

Gary was asked to clarify on the map the changes that are being made.

The Board will review the material that was presented at tonight's meeting, and this item will be added to the next agenda.

- b) **T-Mobile; Murdock MacDonald, agent:** Murdock attended the meeting via Zoom. The Board reviewed the information that he provided via email prior to tonight's meeting. Murdock explained T-Mobile's plan to add one dish to an existing array at the 65' level of an existing tower. The tower is located at the top of Locke Mountain. There is no change to the footprint of the tower and apparatus nor the height or overall width of the tower.

**Becky moved that since the work proposed by American Tower to the tower located on Locke Mountain does not require Planning Board review because it does not change the footprint nor the height of the existing tower. Kenny seconded, and the motion passed unanimously.**

- c) **Sweetwater Village Subdivision – Rick Eng; Rick Dunton, Main-Land Development, agent; Site Plan Application (#20-261):** Rick Dunton, with Main-Land Development LLC explained the updates since their initiate pre-application conference. The name of the development will be Sweetwater Village; the proposed road names are Margery's Way and Whistling Bear Trail; special consideration has been taken in regards to finished-floor elevations and grading within the development in response to the Board's concern about flooding; the development is now proposed to have lot lines (rather than just the initially proposed building footprints); and in terms of septic – both an ATU and a pump station is now being proposed. Rick went on to talk about the information included in various sections of the application booklet.

For the record, this project falls under the UDRO review and therefore, the Planning Board has jurisdiction. A purchase & sale agreement between the property owners and Terra Pine LLC has been provided; and a letter of

authorization allowing Main-Land Development to act as agent for Rick Eng of Terra Pine LLC is included in the application packet. When asked, no Board member stated any bias or conflict of interest.

The application fee was determined to be \$1,550, but was not paid at the time of this meeting. The proposed development is for 13 lots plus one common lot. Although the common areas are noted as Common Area A, Common Area B & Common Area C on the site plan, it was clarified that these three areas are all interconnected, and therefore, considered one contiguous lot, which brings the total lot count to 14. The application was numbered 20-261.

An escrow amount of \$1,500 was requested from the applicant to have Shelley Norton of AVCOG assist the Board in the review of this application. This escrow amount was also not paid at the time of this meeting.

Discussion ensued in regards to the abutter letter. Becky noted that historically, the applicant provides an abutter letter explaining their proposed project, provides the Town with the list of abutters, and pays the postage. The letters are mailed from the Town Office.

**Becky moved that a public hearing be scheduled Wednesday, Nov 4<sup>th</sup>, at 6:30pm; Kenny seconded. The motion passed unanimously.**

**Becky moved that a site visit is not necessary for this project; Kenny seconded. The motion passed unanimously.**

The applicant will pursue the tax lien letter from the Town Administrator, bring a check to the next meeting covering the application fee and the escrow fee, and write an abutter letter to for the Town to mail to those on the abutter list.

Discussion ensued regarding the number of lots allowed in this cluster development (beginning on page 79 of the UDRO) for the total acreage only comes to 12.5, but the proposed plan shows 13 lots. The applicant stated they were relying on the additional density bonus lot; however, the density credit section of the application was not completed.

**At 9:30 pm, Becky moved that the Board extend the meeting for no more than one-half hour. Kenny seconded, and the motion passed unanimously.**

The CEO asked the applicant to review the Town's Sign Ordinance and complete a Sign Application.

The CEO noted that the various maps included in the application packet are at different scales and requested the lot lines be added to the other maps so that minimum setbacks, etc. can be confirmed.

Discussion ensued in regards to timing and the requirements for notice to abutters and for the Public Hearing notice.

Once the Town receives the escrow payment, Shelley will begin her review the application for completeness and will also do the calculations for density credit.

This item will be added to the next meeting agenda.

#### **Findings of Fact**

- a) **Ethan Henley – tree removal in Shoreland Zoning District (#20-259): Kenny moved that the Findings of Fact for Application 20-259 Shoreland Zoning Permit for removing trees, Ethan & Amy Henley be approved as written; Becky seconded. The motion passed unanimously.**

**Mail**--All emails listed below (received between the Sept 2<sup>nd</sup> 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 9/23/2020 from Gary Inman RE: "Sept 16 Planning Board Meeting" – containing revised app pages 3 & 7, revised site plan for Red Arrow Subdivision, and statement regarding Erickson buffer proposal.
- Email received 9/24/2020 from Murdock MacDonald RE: T-Mobile to modify existing wireless telecom facility equipment at Skiway Road (Tax Map R13)
- Email received 9/25/2020 from Murdock MacDonald – requesting to attend Planning Board meeting via Zoom
- Email received 9/25/2020 from Rick Dunton of Main-Land Development Consultants RE" 20-125 Sweetwater Village Subdivision Submittal
- Email received 9/28/2020 from Peter Roberts of Sunday River Resort RE: Planning Board 10/7
- Email received 9/29/2020 from Gary Inman RE: Chase Hill Subdivision Amendment
- Email reply sent 9/30/2020 to Peter Roberts informing him that the agenda for the 10/7 meeting was already full, but he would be added to the 10/21 meeting agenda.
- Series of 3 emails received 9/30/2020 from Rick Dunton RE: 20-125 Sweetwater Village Subdivision Submittal with the application and supporting documents attached.
- **Emails received from MMA:**
  - Legal Update pm Recreational Marijuana-Live Zoom Webinar– Thur., Oct. 29, 2-4pm
  - 84<sup>th</sup> Annual MMA Virtual Convention – Oct 7-15, 2020
  - Spurring Civic Engagement-Live Zoom Webinar – Mon., Nov 16, 2-5pm
  - Managing Freedom of Access Requests-Live Zoom Webinar – Thur., Nov 5, 2-4:30pm
  - Identities and Privileges-Interactive Zoom Meeting – Tues., Nov 10, 9-11am

**Open Discussion** - none

**Next Meeting** – Wednesday, October 21.

**Adjournment** Kenny moved to adjourn; Becky seconded. Motion passed with all voting in favor. The meeting adjourned at 10:04 PM.