

**NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 4, 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

Call to Order: Chairman John Gauthier called the meeting to order at 6:36 PM.

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

Prior Attendance/Voting Eligibility: With no recent absences, all member are eligible to vote.

Old Business

- a) **Sweetwater Village Subdivision – Rick Eng; Rick Dunton, Main-Land Development, agent; Site Plan Application (#20-261):** Shelley Norton of AVCOG reviewed her revised checklist, covering the status of any outstanding items from the Board's October 21st meeting. The applicant has provided a statement regarding liquidation harvesting which has not happened in the past 5 years. The board approved the waiver a request for using the off-site fire pond; the applicant is working on an agreement with the landowner for the fire pond. The applicant provided certified mail receipt to the Fire Chief for the revised letter regarding the fire pond. The applicant has provided a list of construction and maintenance items. The applicant has provided plans showing approximate height of buildings within 500' of the project and added building-height information for the proposed buildings. The applicant has provided a statement in regards to landscaping and screening plans, provided an NRCS farmland classification map, and clarification in regards to exterior lighting. The applicant also provided an area for the signature block on the plan.

Becky noted that it seems that the applicant has answered all questions and provided the required information, and with that in mind, moved that the Board find Sweetwater Village Subdivision application # 20-261 complete. Kenny seconded. With no discussion, the motion passed unanimously.

At 6:44, Becky moved that the Board temporarily adjourn its regular meeting to engage in the Public Hearing; Kenny seconded. With no discussion, the motion passed unanimously.

Planning Board meeting was called back to order at 8:07 PM

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Kenny moved to accept the October 21, 2020 minutes as provided. Becky seconded. With no discussion, the motion passed with all voting in favor.**

Old Business -- continued

- a) **Sweetwater Village Subdivision – Rick Eng; Rick Dunton, Main-Land Development, agent; Site Plan Application (#20-261) -- Continued:** The group reviewed the sheet created by Dave Bonney titled Sweetwater Village Subdivision Items Code Officer /Local Plumbing Inspector and dated 11/4/2020.

The CEO noted that the septic tank locations to tonight's presentation map are different than what was previously submitted. Rick confirmed the tanks were moved a bit to meet setback requirements and that the location on the presentation map is the correct location. Dave Bonney asked that the information requested under Subsurface Waste Water Disposal on his Nov 4th report be clearly provided.

The applicant was asked to bring the answers to these questions at the next meeting.

Gootsch gave a history of the septic system and well for the house across the road to the proposed project – noting how much water goes through that aquifer.

Becky asked, once the fill is brought in, what is the plan so that the additional fill doesn't cause the flood waters to flood the road and adjacent properties more than what they would have normally flooded in the past. Rick explained that there is a storm water management plan for the runoff coming from this development specifically. Then there is the runoff coming from the brook, the evidence shows that the development is outside of the 100-year flood plain as mapped by FEMA and further, the MDOT Bridge is designed to handle a 500-year storm event. Therefore, that bridge will not constrict the flow.

Shelley asked what was modeled for the storm water management plan. Rick stated that they modeled the site and that the site would not increase the flooding in Barker Brook. The rest is professional opinion and professional knowledge of the flooding and how that occurs.

Shelley asked if the floodplain as determined by FEMA is accurate on the ground. Rick stated that there are sections done by FEMA showing flood elevation lines, and he explained how the flood elevations were established across the site.

Feeling that he was pressured to do so, Kenny expressed regret that he voted in favor of the fire suppression waiver – allowing the applicant to pursue the use of an off-site fire pond providing conditions of approval are met.

The applicant and the Board proposed project and fire suppression. The applicant was asked if they had considered the sprinkler system that Bruce Pierce spoke of during the Public Hearing (WERS Bo spelling?). The applicant stated that the cost of the sprinkler system would have brought the price of the houses into the \$300k range which is not the market he is hoping to capture with this development. Rick Dunton noted that Rick Eng had contacted fire suppression professionals and Goodwin's Well Drilling in regards to this information.

The agreement for using the fire pond is still in limbo.

The applicant stated that he could request a waiver – asking the Board to grand the larger hammerhead turnaround.

Shelley spoke of softening the project with landscaping; buffering or screening to reduce headlight glare; fire pond agreement; the roads remaining private roads; as well as the cluster development requirements and density bonus.

Rick stated that they will take these comments into consideration and make revisions to their plans.

Rick asked about the density bonus and asked if the Board was willing to allow them to round up from 12.5 to 13. The Chair noted that the Board has been on this application for over 2 hours and still has another applicant on tonight's agenda.

This item will be added to the next agenda, which will be November 18th.

- b) **New ski trail –Sunday River Resort; Peter Roberts, agent; Site Plan Application (#20-262):** Peter Roberts distributed the information that was requested of him during the previous meeting, which included a letter of financial capability signed by Dana Bullen, a copy of an email correspondence with Christine Woodruff of Maine DEP confirming that this project falls under the resort’s review exemption, and a revised application showing changes highlighted in yellow, and a revised site map showing the requested changes – removing the trail centerline. Peter noted that the trail is about 1,100 feet long and 25 feet wide (0.64 acres).

Since this proposed project is in line with the routine business at the resort and since it’s a fairly insignificant trail with no snowmaking, Becky moved that the Board grant the waiver requested for Question 44 of the application— notifying the Fire Chief, Sheriff’s Office and Road Commissioner. Kenny seconded. The motion passed unanimously.

Kenny moved that Application # 20-262 Ski Trails to Access Jordan Overflow Parking Lot be found complete as submitted. Gotsch seconded. The motion passed unanimously.

Kenny moved that Application # 20-262 does not require a site visit nor a public hearing because it is very minimal amount of disturbance of anything. Gotsch seconded. The motion passed unanimously.

For the record, the Board confirmed that this project falls under site plan review under the UDRO. The applicant is the known to be the owner of the property. The application fee has been paid. No additional fee for escrow if needed.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE

- A. **Pollution** – Kenny moved that A, Pollution, has been adequately met by the applicant. Gotsch seconded. The motion passed unanimously.
- B. **Erosion** – Gotsch moved that B, Erosion, has been met. Kenny seconded. The motion passed unanimously.
- C. **Traffic** – Becky moved that the applicant has met the requirement for C, Traffic, by submitting a statement regarding the expected traffic. Kenny seconded. The motion passed unanimously.
- D. **Sewage Disposal** – see below
- E. **Municipal Solid Waste Disposal** – see below
- F. **Aesthetic, Cultural and Natural Values** – see below

Gotsch moved that items D, E & F are not applicable to this project. Kenny seconded. The motion passed unanimously.

- G. **Financial and Technical Capacity** – Becky moved that the applicant has met this requirement by submitting the letter dated November 4th signed by Dana Bullen stating the financial capacity to do the proposed project. Kenny seconded. The motion passed unanimously.
- H. **Sufficient Water** –
- I. **Public Water Supply** –
- J. **Surface Waters** –
- K. **Ground Water** –
- L. **Flood Areas** –
- M. **Freshwater Wetlands** –

Gotsch moved that items H-M are not applicable to this proposed project. Kenny seconded. The motion passed unanimously.

- N. River, Stream or Brook – Becky moved that rivers, streams and brooks have been identified on the map present by the applicant. Kenny seconded. The motion passed unanimously.
- O. Storm Water –
- P. Spaghetti-Lots Prohibited –
- Q. Municipal Services –

Gootsch moved that O, P & Q are not applicable to this project. Kenny seconded. The motion passed unanimously.

- R. Lake Phosphorus Concentration –
- S. Impact on Adjoining Municipality –
- T. Land Subject to Liquidation Harvesting –

Gootsch moved that R, S & T are not applicable to this project. Kenny seconded. The motion passed unanimously.

- U. Conformity with Local Ordinances and Plans – Gootsch moved this is in the Resort District, and ski trails are allowed in Resort District, and therefore, this item has been met. Becky seconded. The motion passed unanimously.

Kenny moving that Application 20-262 Ski Trail to Access Jordan Hotel Overflow Parking Lot that the Board approve this application as provided to the Board. Gootsch seconded. The motion passed unanimously.

At 9:32, Becky moved to extend this meeting long enough to just wrap things up. Kenny seconded. The motion passed unanimously.

New Business -- none

Open Discussion

- a) Letter from Dave Bonney, Newry CEO dated November 4, 2020 in regards to Report of Inspecting Official – Merrill Hill Subdivision. **Gootsch moved that \$19,692.00 be released from the letter of credit for the Merrill Hill subdivision as they have put gravel on the road as reported by the inspecting official. Kenny seconded. The motion passed unanimously.**

Findings of Fact

- a) Chase Hill Subdivisions-Keith P. Durgin & William A. Day Jr and Sons Land Holdings LLC; Gary Inman, agent; **Amendment Application (#20-260):** Becky moved that the Board approve the Findings of Fact for Chase Hill Amendment Application 20-260. Kenny seconded. The motion passed unanimously.

Mail *All emails listed below (received between the Oct 7th meeting and tonight's meeting) were forwarded to the Board prior to tonight's meeting; the email were not read aloud at the meeting.)*

- Email received 10/22/2020 from Shelley Norton RE: public hearings for Newry PB
- Email received 10/22/2020 from Becky Bean RE: Tracking application review progress sheet revised 10.22.2020
- Email received 10/22/2020 from Olivia Fiocchi RE: Airbnb-Style bookings are up!
- Email received 10/23/2020 from Shelley Norton RE: Sweetwater Village updated information
- Email received 10/23/2020 from Rick Dunton responding to Shelley's email RE: Sweetwater Village updated information
- Email received 10/26/2020 from Shelley Norton RE: 1 Week to Register: AVCOG Planning Day & General Assembly Meeting via Zoom
- Email received 10/26/2020 from Rick Dunton RE: 20-125 RE: Sweetwater Village Update Information with attached submittal package

- Email received 10/27/2020 from Rick Dunton RE: RE; 20-125 RE: Sweetwater Village updated information with draft easement and Declaration of Covenants attached
- Email received 10/30/2020 from Shelley Norton RE: language about Public Hearings being noticed but application is not complete.
- Email received 10/30/2020 from Shelley Norton RE: 20-261 Sweetwater Village SD Reviews
- Email received 10/30/2020 from Rick Dunton responding to Shelley's email RE: 20-261 Sweetwater Village SD Reviews
- Email sent 11/2/2020 from Planning Board to Gary Inman RE: Fire Suppression
- Email received 11/3/2020 from Rick Dunton RE: 20-125 Sweetwater Village SD Reviews with Prime Farmland information attached
- Email received 11/3/2020 from Peter Roberts RE: Sunday River application 20-262
- Email received 11/3/2020 from Shelley Norton responding to Rick Dunton's email RE: 20-125 Sweetwater Village SD Reviews with Shelley's updated review checklist attached
- Email received 11/4/2020 from Rick Churchill RE: Sweetwater
- Email received 11/4/2020 from Rick Dunton RE: 20-125 Public Hearing Zoom Process
- Email received 11/4/2020 from Amy Bernard responding to Rick Dunton's email RE: 20-125 Public Hearing Zoom Process
- Email received 11/4/2020 from Rick Dunton responding to Amy Bernard's email RE: 20-125 Public Hearing Zoom Process
- Emails received from MMA
 - Legal Update on Recreational Marijuana-Live Zoom Webinar-Oct 29
 - Identities and Privileges– Live Zoom Webinar- Nov 10, 9-11am
 - Workplace Active Threat Defense-Live Zoon Webinar-Dec 2, 10am-12pm
 - Understanding Drugs in the Workplace-Live Zoom Webinar-Dec 3, 10am-12pm
 - MMA's Video Training Library
 - Managing Freedom of Access Requests-Live Zoom Webinar-Nov 5, 2-4:30pm
 - 2020 Local Planning Boards & Boards of Appeal Workshop-Dec 15-Zoom
 - Reminder to Register for MMA Identities and Privileges Webinar
 - Workplace Active Threat Defense-Live Zoon Webinar-Dec 2, 10am-12pm
 - Understanding Drugs in the Workplace-Live Zoom Webinar-Dec 3, 10am-12pm

Next Meeting – Wednesday, November 18, 2020 – 7pm

Adjournment **Kenny moved to adjourn; Gootsch seconded. Motion passed with all voting in favor.** The meeting adjourned at 9:44 PM.