

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 18, 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 7:04 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.

Previous Meeting's Minutes: The Board reviewed the Nov 4th meeting minutes as well as the minutes of the Nov 4th Public Hearing. **Kenny moved to accept the minutes of the Nov 4th meeting minutes and the Nov 4th Public Hearing minutes as written; Becky seconded. There was no discussion. The motion passed with all voting in favor.**

Old Business

- a) **20-261—MAJOR SUBDIVISION/SITE PLAN; Sweetwater Village; Sunday River Rd; Map R12 Lot 13 & 13A – Rick Eng of Terra Pine LLC, applicant; Rick Dunton of Main-Land Development, agent:** Rick Dunton of Main-Land Development distributed and explained his revised materials to the Board. Those handouts included a MLD Comment Response Letter dated 11/18/2020; revised restrictive Covenants; code excerpts from IRC and NFPA; OxyPro ATU info sheet; preliminary Fire Pond Maintenance agreement; revised P&S agreement, and a number of revised plans which included: site plan, site grading and erosion control plan, utility plan, setback plan, road plan and profile details.

Becky asked about Rick's reference to "20-125" in the subject line of all of his emails; Rick explained that it was an internal number at MLD. For future emails, he will reference both the Newry application # (20-261) and the internal MLD # (20-125) in his subject lines for clarification.

The meeting paused for an abutter's call; Amy Call phoned in asking to be connected to the meeting via Zoom. Amy shared the info with other abutters wanting to listen to the meeting.

Continuing to explain the info he submitted, Rick noted that the Fire Pond agreement would not be signed by the two parties until the application was approved, and spoke about the details and changes made to the various plans.

Rick noted that he would be calling attention to regulations, rules and ordinances for the process to move forward in an orderly way without personal opinions and emotion – using standards that have been agreed to. He also noted that he would be asking the Board for a determination on the Density Bonus.

Discussion ensued regarding the 300' separation between septic and wells referenced in Shelley and Dave Bonney's email communications with Darren Brann, State of Maine Public Water System Inspector. Rick responded saying the applicant is proposing a water supply that is not public, and spoke about his conversations with Brann regarding the State's request that this be reviewed as a public water system comes from an internal

policy and not an official rule; and that has not yet gone through the formal rule-making process to have this on the books as an enforceable rule. Rick stated that he cannot tell the Board tonight if the applicant will move forward with a public water supply; Rick note two potential ways to go in regards to water supply – getting it permitted as a public water supply via a transient water supply working with the Drinking Water Program to have construction standards in place for the well and infrastructure in the development so that the 300’ setback could be reduced and still have healthful water. The other avenue is that it’s not a published rule or a formal regulation so there is no review authority from the public drinking water program.

Shelley noted that she would contact the State with some questions she has.

Discussion ensued in regards to the setback from the neighbor’s well. Rick spoke about the rule and regulations stating that a septic system needs to have a separation from seasonal high water table of a certain amount needs to be outside of the 10-year flood plain as defined by FEMA, along with a host of soil factors – stating that regulatory standards are in place to mitigate as many of the risks as reasonable, not to guarantee that nothing bad will ever happen.

Discussion ensued in regards to the Density Bonus. Kenny and Becky stated that at this point they are leaning against approving the Density Bonus. Becky’s spoke of her feelings that the 13 lots are pushing the boundary and that there is just too much being squeezed into this small lot. Kenny spoke about the abutter’s concerns. Discussion on this topic continued between the applicant, Shelley, and the Board with Rick looking for a decision from the Board. Rick stated that he will let his applicant know the Board member’s feelings.

It was stated that the Board and Shelley would need time to review the information that was submitted today. Shelley noted that because of the 30-day timeline from finding the application complete, one of three actions will need to take place at the next Planning Board meeting. Either:

1. The Board will need to take action on the application (an approval or denial), or
2. The applicant and the Board will need to agree to an extension, or
3. The Board could table the application.

Rick continued to express his desire to have decisions from the Board on some of the outstanding issues.

Becky made a formal motion to table review of this application until the Board receives the Subsurface Wastewater Disposal approval from the State of Maine and the Local Plumbing Inspector. Kenny seconded the motion. With no discussion, the motion passed unanimously.

Rick will contact the Board two weeks ahead of time when he is ready to be added to the agenda again.

New Business-none

Findings of Fact

- a) **#20-262—SITE PLAN; New Ski Trail to Jordan Overflow Parking Lot; Monkey Brook Road; Map R18 Lot 2 – Peter Roberts of Sunday River Skiway Corporation, applicant:**

Kenny moved to accept the Findings of Fact for 20-262, site plan review for project named Ski Trail to Access Jordan Hotel Overflow Parking Lot. Gootsch seconded. With no discussion, 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 11/5/2020 from Roland Smith RE: The Sweetwater Village Project
- Email received 11/6/2020 from Williams Andrews RE: Sweetwater Village
- Email received 11/9/2020 from Gary Inman RE: Fire Suppression

- Email received 11/16/2020 from Amy Bernard forwarding Shelley Norton's 11/16/2020 email RE: Question for attorney
- Email received 11/17/2020 from Phil Sheridan RE: Sweetwater Village Proposal
- Email received 11/17/2020 from Newry CEO forwarding email from P. Christopher Zegras RE: Sweetwater Village Subdivision Proposal Newry, Maine
- Email received 11/17/2020 from Shelley Norton forwarding email from Kristin M. Collins RE: TerraPine subdivision
- Email received 11/17/2020 from James Katsiaficas RE: Question for attorney
- Email received 11/17/2020 from Shelley Norton RE: Question for attorney
- Email received 11/17/2020 from James Katsiaficas RE: Question for attorney
- Email received 11/18/2020 from Newry CEO forwarding email from Azin Nezami RE: Sweetwater Village Subdivision Proposal Newry, Maine
- Email received 11/18/2020 from Shelley Norton RE: FW: Question for attorney – regarding board functioning
- Email received 11/18/2020 from Newry CEO RE: Sweetwater / TerraPine issues
- Email received 11/18/2020 from Newry CEO forwarding email from Stephanie Strauss RE: Supporting Sweetwater Village Development
- Email received 11/18/2020 from Newry CEO forwarding email from Bob Strauss RE: Sweetwater Village Development
- Email received 11/18/2020 from Amy Bernard RE: UDRO changes
- Email received 11/18/2020 from Newry CEO replying to Amy's email RE: UDRO changes
- Email received 11/18/2020 from P. Christopher Zegras RE: Sweetwater Village Proposal
- Email received 11/18/2020 from Newry CEO forwarding email from Marjorie Farber RE: Support of sweetwater village
- Email received 11/18/2020 from Newry CEO forwarding email from Peter Farber RE: Support of sweetwater village
- Email received 11/18/2020 from Newry CEO forwarding email from Kerri of kgeventsllc RE: Sweetwater Village
- Email received 11/18/2020 from Shelley Norton RE: Discussion about board workflow
- Email received 11/18/2020 from Amy Call RE: Please deny Sweetwater Village proposal
- Email received 11/18/2020 from Rick Dunton RE: 20-125 Sweetwater Village Planning Board Submission
- Email received 11/18/2020 from Rick Dunton RE: 20-125 Sweetwater Village Planning Board Submission
- Email received 11/15/2020 from Shelley Norton RE: website
- Email received 11/18/2020 from Azin Nezami RE: Sweetwater development
- Email received 11/18/2020 from Darren Brann RE: Sweetwater / TerraPine issues
- Email received 11/18/2020 from Shelley Norton FW: Sweetwater / TerraPine issues
- Email received 11/18/2020 from Shelley Norton RE: 20-261 Sweetwater Village Septic/Water Memo
- Email received 11/18/2020 from Fred Call RE: Sweetwater concerns
- Emails received from MMA
 - Spurring Civic Engagement-Live Zoom Webinar-Nov 16; 2-5pm
 - Workplace Active Threat Defense & Understanding Drugs in the Workplace – Live Zoom Webinar-Dec 2nd 10am-12pm & Dec 3rd 10am-12pm

Open Discussion

- a) **Streamlining the flow of meetings** – Shelley had communications with the Town's attorney in regards to what the Board can do now and what needs to wait for approval at Town Meeting in regards to having applicants submit applications and supporting documentation ahead of time. For now, the UDRO allows an applicant to bring an application to the meeting, however, the Board does not need to review at that same meeting. The Board can require supporting materials (maps, etc.) to be submitted in advance.
1. **The Board decided** that "New Business" and "Old Business" would be changed to just "Business" on the agenda to allow the Board to review quick items first and save items that are expected to require more time for later in the meeting. This is just a Bylaws change, which just requires a majority vote by the Board.

2. **The Board decided** that they would require materials supporting an application be submitted 2 weeks in advance if it's for a new application to line up with the deadline for requesting to be add to the agenda. Materials for an application already in review must be submitted 10 days in advance. All submittals should be submitted electronically with paper copies still brought to the meeting. Some of these changes can just be added to the Bylaws and began to be done in practice. However, some of them will require an UDRO change & Town vote.
3. **The Board decided** to require new applications to be submitted 2 weeks in advance. This will need to be an amendment to UDRO Section X.B.2 and will require Town vote. The amendment will also state to whom the application and supporting documentation is to be sent (i.e. to the Code Enforcement Officer via email or to a staff email?).
4. **The Board decided** to have Shelley create a tracking sheet and form as noted as #4 on her "Suggestions to Help Newry Planning Board Functioning" sheet. This would be a tracking sheet for the CEO to use when reviewing an new application or inquiry when it is received, filling out a form stating what the review process will be (under which ordinance, etc.) and sharing that info with all applicable parties (the Planning Board, the applicant, etc.). This new process would be an ordinance change and therefore require Town vote.
5. Shelley suggested developing an informal procedure for public hearings – the Board will discuss this recommendation at the next meeting.
6. **The Board decided** to change the format of how agenda items are noted on the agenda with Project # first, type of application, name of project, then address and parcel ID. Becky will make this change going forward.
7. The Bylaws are currently very specific as to when the Board meets. **The Board decided** to keep the meeting time the same (with a 7pm start time); however, they agreed that the Bylaws can be changed to be more vague to allow the Board some flexibility when needed.

Shelley will prepare a draft of the Bylaws showing the proposed changes noted above.

- b) **Ordinance Workshop (if time allows)** -- Becky spoke about the way some the bullet points under some sections are written, for example (hypothetically): Section X.A.B.2.a. When a double letter is used for a bullet (i.e. AA, AB), there should be no periods. Having periods included within the bullet point causes an issue when referring to those bullets in the minutes. Shelley will remove the periods in the double-lettered bullets so they can be written as such: X.AB.2.a.

Shelly stated that she has already revised the Table of Contents to upper and lower case for easier use; she'll email this new TOC to the Board.

The Board then discussed requiring public comments sent via email be received by 5pm the Friday prior to a meeting for the comments to be considered at that meeting. Comments received after that deadline would be reviewed and considered at the next meeting. This would be added the Bylaws.

Next Meeting – Wednesday, December 2, 2020

Adjournment Kenny moved to adjourn; Becky seconded. Motion passed with all voting in favor. The meeting adjourned at 9:02 PM.