

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, May 5, 2021
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), Becky Bean (Board Secretary & Recording Secretary), Amy Call via Zoom

Members Late:

Members Absent: Bruce Pierce (Board Vice Chair),

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 members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes; the CEO pointed out four errors. **Becky moved to accept the April 21, 2021 minutes as amended. Gootsch seconded. There was no additional discussion. Following a role-call vote, the motion carried with all three members in attendance voting in favor.**

Business

- a) **Project # TBD**; SUBDIVISION AMENDMENT; **Sunny Hill Subdivision**; Sunday River Road, Map R-14 Lot 3; Burt Mill, owner; Gary Inman, agent: Jeremie Whorff and Casey Whorff attended the meeting via Zoom and explained that they are in attendance to represent this application. The Chair explained that the Board would need a letter of authorization from the applicant, Burt Mills, before the Board can discuss the application with the Whorffs.
- b) **Project # 21-264**; SUBDIVISION AMENDMENT; **Dream Maker Lodge**; Skiway Road, Map R-13 Lot 34G; Sunday River, owner:

In the interest of full disclosure, Becky stated that she works at Sunday River and that the approval or denial of this application has no effect on her employment at the resort. Amy Call noted that she also is employed at Sunday River.

Shelley Norton clarified that the standard for conflict of interest is a 10% ownership interest in the company. She added that the standard for bias is to be related by blood or marriage in the sixth degree to the applicant, have a grievance to the individual or the organization, or have some public statement that you've made about the facility stating that you would always/never vote in favor.

Peter Roberts distributed the revised site map and copy of the email from DEP as requested by the Board at their previous meeting.

Following the review of the materials submitted tonight, **Becky moved that the Board find Application 21-264, Subdivision Amendment for Dream Maker Lodge, complete. Gootsch seconded. Following the role-call vote, the motion carried with all Board members voting in favor.**

The Board proceeded to review the Criteria for Approval.

The Chair stated that because this application is an amendment to two previously approved applications (Application #17-235 submitted 5/3/2017 and approved 4/4/2018; and Amendment #20-257 submitted 8/5/2020 and approved 8/19/2020), and because this current amendment is only for a change in the building's footprint and a change in hot-tub patio footprint – neither of which changes the project's compliance to the standards noted in the Criteria for Approval, the Board decided to lump together the criteria listed below into one motion.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE

- A. Pollution –
- B. Erosion –
- C. Traffic –
- D. Sewage Disposal –
- E. Municipal Solid Waste Disposal –
- F. Aesthetic, Cultural and Natural Values –
- G. Financial and Technical Capacity –
- H. Sufficient Water –
- I. Public Water Supply –
- J. Surface Waters –
- K. Ground Water –
- L. Flood Areas –
- M. Freshwater Wetlands –
- N. River, Stream or Brook –
- O. Storm Water –
- P. Spaghetti-Lots Prohibited –
- Q. Municipal Services –
- R. Lake Phosphorus Concentration –
- S. Impact on Adjoining Municipality –
- T. Land Subject to Liquidation Harvesting –
- U. Conformity with Local Ordinances and Plans –

Becky moved that since Amendment Application #21-264 is for only a slight change in the building footprint and a slight change in the paved area for the hot tub, which changes the percent of lot covered by structures from 9.1% to 9.8%, the Criteria for Approval items A through U have already been met for this project on the previous application approval and that these changes have no significant effect to those criteria. Gotsch seconded. Following the role-call vote, the motion passed unanimously.

Gotsch moved that the Board approve Application #21-264. Amy seconded the motion. Following the role-call vote, the motion passed unanimously.

The recorder was paused while the Board proceeded to sign the final plans. Discussion ensued regarding if the whole Board is required to sign the final plans or if only the Chair's signature is necessary.

Peter will bring the final plans to Amy Call, who attended the meeting remotely via Zoom, to get her signature on those plans.

Business continued

- c) **Sunny Hill Subdivision (continued):** Burt Mills, owner of Sunny Hills Subdivision lot, joined the meeting via Zoom at 7:47pm. Gotsch explained to those in attendance where the application, which was presented by Gary Inman at the Board's previous meeting, stands.

The Board proceeded to review the revised plan submitted for tonight's meeting. It was noted that this revised plan seems to have an error in the acreage noted on the plan. The plan submitted at the April 21st meeting showed Lot 1B as 8.6 acres and Lot 1B-1 as 1.7 acres for a total of 10.3 acres. This revised map shows both Lots 1B and 1B-1 as 2.6 acres each for a total of 5.2 acres.

The CEO read from the Ordinance which details what is required such as a map showing the location of all test pits on the site shall be submitted with a minimum of one test pit per lot. The CEO clarified that the applicant must prove that they are meeting the Town's ordinance. The CEO stated that each lot needs to show the location of the test pit and have a test pit analysis showing the number of bedrooms it would qualify for. The HHE200 comes into play when you apply for a Building Permit.

It was noted that being in the Growth Management Zone, each lot must have 100' of road frontage on a road that meets the UDRO road specs as explained in the UDRO. The CEO clarified that spaghetti lots are only associated with Shoreland Zone.

It was noted that the submissions for review at tonight's meeting were received just today, not 10 days in advance as required per the Planning Board Bylaws.

The CEO suggested that the applicant go through the Unified Development Review Ordinance to see what the required submissions are (beginning on page 23 of the UDRO), and stated that there seems to be a lot lacking.

The owner asked about a waiver or variance for the required soils test; however the application states that no waivers are being requested. Shelley explained that if any waivers are to be requested, then that page of the application would need to be revised and re-submitted.

As a point of business, the chair calculated the application fee as \$200. The Whorffs stated that they will mail a check to the Town Office to cover the application fee.

It was noted that the Board must receive written authorization from Burt Mills (either an email to the PB at newryplanningboard@gmail.com or a letter mailed to the Town Office), before the lot buyers, Jeremie Whorff and Casey Whorff, can discuss this application with the Board without either Burt or Gary Inman as authorized agent present.

This item will be added to the next meeting's agenda; that meeting will be held Wednesday, May 19th, at 7pm.

It was noted that submissions for the Board's next meeting should be received by the 10th of May so that the Board has time to review them.

d) Ordinance Workshop

- Building Permit Ordinance discussion -- it was decided that the Board will put this set this project aside. This item will be removed until further notice.

Findings of Fact - none

Correspondence/Mail:

NOTE – All emails listed below (received before the 72-hour deadline for tonight's meeting) were forwarded to the Board for review; the emails were not read aloud at the meeting. Emails pertaining to a particular application have been printed for the file.

- Email received 4/23/2021 from Shelley Norton RE: Questions on Sunny Hills SDA
- Email received 4/27/2021 from Shelley Norton RE: Questions on Sunny Hills SDA (forwarding responses from Dave Bonney, CEO)

- Email received 5/5/2021 from Gary Inman RE: Planning Board agenda – May 5th Public Hearing and Meeting – noting that he will not be attending the meeting.
- Email received 5/5/2021 from Shelley Norton replying to Gary, asking if the owner will be at the meeting.
- Email received 5/5/2021 from Peter Roberts RE: Dream Maker Revision 5-5-21
- Email received 5/5/2021 from Shelley Norton RE: Project materials deadlines
- Email received 5/5/2021 from Bruce Pierce informing the board he will not be attending tonight's meeting.
- Email received 5/5/2021 from Becky Bean stating that she confirmed that Amy Call has been sworn in and therefore, the Board will have a quorum.
- Emails received from MMA
 - Lodging & Housing: Municipal Challenges 3-part Webinar-April 28, May 11 & May 27

Open Discussion

- a) Dave noted that he will not be at the next meeting.
- b) Shelley sent an email earlier today regarding the requirement that submission of materials for continuing application(s) be submitted 10 days in advance of the next PB meeting. This is noted in the Planning Board Bylaws. The Board needs to decide how to notify applicants of this requirement. It was decided that this will be noted at the top of the application. Shelley also suggested that she, Becky, and Dave communicate this to applicants during meetings. Becky can work on revising the application; she will work with Shelley on how to create a more user-friendly form. Becky will also add a note about this on the Chairman's cheat sheet so Gotsch verbalizes this requirement to the applicant at the first meeting.
- c) Shelley reminded the Board that Newry's Town Meeting is scheduled for the evening of Tuesday, May 25th.

Next Meeting – Wednesday, May 19, 2021, at 7 pm

Adjournment Becky moved to adjourn; Amy seconded. Following the role-call vote, the motion passed with all voting in favor. The meeting adjourned at 8:57 PM.