

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, May 19, 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), Bruce Pierce (Board Vice Chair),
Becky Bean (Board Secretary & Recording Secretary),

Members Late:

Members Absent: Amy Call via Zoom, Dave Bonney (Code Enforcement Officer)

Staff Present: Shelley Norton of AVCOG via Zoom

Call to Order: Chairman John Gauthier called the meeting to order at 7:02 PM.

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

Prior Attendance/Voting Eligibility: Bruce, who was absent at the last meeting, stated that he did not listen to the recording, but that he read through the minutes and the materials submitted. With that in mind, Bruce will not be eligible to vote on the Sunny Hills amendment application at tonight's meeting. The Chair noted that with three members in attendance, we do have a quorum for the routine business that will be conducted tonight, and that Bruce can participate in those votes.

Previous Meeting's Minutes:

The Board reviewed the minutes of the May 5th Public Hearing regarding proposed changes to the Planning Board Ordinance and proposed changes to the Shoreland Zoning Ordinance. **Becky moved to approve the minutes of the Public Hearing as written; Gootsch seconded. A roll call vote was taken with Gootsch, Becky & Bruce voting in favor; the motion carried.**

The Board reviewed the previous meeting's minutes. **Becky moved to accept the minutes of the May 5th as written. Gootsch seconded. A roll call vote was taken with Gootsch, Bruce & Becky voting in favor; the motion carried.**

Business

- a) **Project # 21-265; SUBDIVISION AMENDMENT; Sunny Hill Subdivision;** Sunday River Road, Map R-14 Lot 3; Burt Mill, owner; Gary Inman and Casandra Whorff agents:
With the application fee of \$200 paid (check # 4337 from Mid-Coast Excavation), the application was assigned a #: 21-265. The Board received a letter signed by Burt Mills authorizing Casandra Whorff to act as his proxy. Soil tests for each lot have been submitted. A revised site map was submitted showing the corrected number of acres and 100' of road frontage on a subdivision road. Casey Whorff noted that the current design is for a shared septic system for the two lots.

Discussion ensued regarding fire protection and whether the homes will be sprinklered. It was noted that when an amendment application is submitted for changes to a previously approved subdivision, then the lots effected by the change must meet the standards of the current applicable ordinance.

It was noted that the third revised site plan still has a revision date of April 27, 2021. Each revision should include the new date. It was discovered that surveyor's signed/stamped site plan was changed by the applicant without the surveyor's knowledge.

The Board reviewed the Criteria for Approval informally just to let the applicant know if anything else was missing. No votes will be taken.

- A. **Pollution** – discussion ensued; no information was requested from the applicant.
- B. **Erosion** – discussion ensued; no information was requested from the applicant.
- C. **Traffic** – discussion ensued; **if the applicant is requesting a waiver of this requirement, the applicant was told that Amendment Application will need to be revised to state such.**
- D. **Sewage Disposal** – discussion ensued; no information was requested from the applicant.
- E. **Municipal Solid Waste Disposal** – discussion ensued; **question 40 on the Amendment Application was not answered; the applicant’s answer should be provided.**
- F. **Aesthetic, Cultural and Natural Values** – discussion ensued; no information was requested from the applicant.
- G. **Financial and Technical Capacity** – discussion ensued; no information was requested from the applicant.
- H. **Sufficient Water** – discussion ensued; no information was requested from the applicant.
- I. **Public Water Supply** – discussion ensued; no information was requested from the applicant.
- J. **Surface Waters** – discussion ensued; no information was requested from the applicant.
- K. **Ground Water** – discussion ensued; no information was requested from the applicant.
- L. **Flood Areas** – discussion ensued; no information was requested from the applicant.
- M. **Freshwater Wetlands** – discussion ensued; **the applicant was asked to identify on the site plan any/all wetlands on the site.**
- N. **River, Stream or Brook** – discussion ensued; **the applicant was asked to note on the site plan any/all rivers, streams and brooks within 250’ of the site.**
- O. **Storm Water** – discussion ensued regarding the length of the driveway and concerns of fast-tracked runoff going onto abutting property. **The Board decided to vote on a proposed condition of approval at its next meeting and the applicant was asked to include the language of proposed the condition of approval on the revised site plan. The Conditions of Approval language should read: Prior to the start of construction, the applicant will provide storm water management details and an erosion control plan for the driveway and for any site clearing to the Code Enforcement Officer for his approval prior to the issuance of the Building Permit to ensure runoff will not affect an adjacent property.**
- P. **Spaghetti-Lots Prohibited** – discussion ensued; no information was requested from the applicant.
- Q. **Municipal Services** – discussion ensued; no information was requested from the applicant.
- R. **Lake Phosphorus Concentration** – discussion ensued; no information was requested from the applicant.
- S. **Impact on Adjoining Municipality** – discussion ensued; no information was requested from the applicant.
- T. **Land Subject to Liquidation Harvesting** – discussion ensued; no information was requested from the applicant.
- U. **Conformity with Local Ordinances and Plans** – discussion ensued; no information was requested from the applicant.

The applicant was told that the Board will require the site plan be revised by their licensed surveyor, Gary Inman, and re-submitted to the Board. The updated map should include the surveyor’s new revision date and show test pit locations more clearly, verify acreage, verify and notate lot line dimensions, notate road frontage for both the created lot and the amended lot, provide stream locations for any stream within 250’ of the lots, provide locations of any wetlands and floodplains on the site, and provide contours in 5’ intervals. It should also include language for a condition of approval to read: **Prior to the start of construction, the applicant will provide storm water management details and an erosion control plan for the driveway and for any site clearing to the Code Enforcement Officer for his approval prior to the issuance of the Building Permit to ensure runoff will not affect an adjacent property.**

It was noted that the Amendment Application should also be revised to show the previously approved application #(s) and approval date(s) as required for Amendment Applications. In addition, requests for waivers for traffic data and high-intensity soils map should be noted on the revised application as well as the description of proposed fire protection, and the applicant must show proof that letters to abutters have been sent. Also, any unanswered

questions (#39 fire protection; #40 solid waste disposal; #48 a written statement about fire protection) must be answered.

The application will not be deemed complete until the corrected site plan and revised Amendment Application is received by the Board.

Generally, updated materials must be submitted to the Board 10 days prior to their next meeting; however, since the surveyor is out of town, the Board agreed to accept the revised materials on May 27th for their June 2nd meeting. The applicant agreed to contact Becky to let her know if they plan to meet that deadline for the June 2nd meeting or wish to be placed on the June 16th agenda instead.

Findings of Fact

- b) **Project # 21-264**; SUBDIVISION AMENDMENT; **Dream Maker Lodge**; Skiway Road, Map R-13 Lot 34G; Sunday River, owner: An error in the Application's number was noticed on the Findings of Fact, showing 20-264 instead of 21-264; Becky will fix this error and bring the revised Findings to the next meeting for signing. **With that in mind, Gootsch moved to accept the Findings of Fact and Conclusions of Law for Application # 21-264 Dream Maker Lodge at Sunday River amendment # 2 as corrected. Bruce seconded. A roll call vote was taken with Becky, Bruce & Gootsch voting yes; the motion carried.**

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 5/6/2021 from Susan DuPlessis RE: Mansion Avenue
- Email received 5/10/2021 from Laurie Walker RE: Sunny Hills Subdivision
- Email received 5/11/2021 from Shelley Norton RE: July vacation
- Email received 5/11/2021 from Bruce Pierce RE: July vacation
- Email received 5/11/2021 from Casandra Whorff RE: Sunny Hills subdivision amendment
- Email received 5/18/2021 from Casandra Whorff RE: Proxy to Whorff – Sunny Hills Subdivision
- Email received 5/18/2021 from Amy Call RE: Amy Call Absence
- Email received 5/18/2021 from Susan DuPlessis RE: FW: Authorization letter for Casey and Jeremy
- Email received 5/19/2021 from Casandra Whorff: Sunny Hills Subdivision amendment
- Emails received from MMA
 - Managing Freedom of Access Requests-Live Zoom Webinar-June 10th at 2pm

Open Discussion

- a) Town Meeting is scheduled for Tuesday, May 25th. Shelley stated that she believes there is a Public Hearing at 6pm that night for the referendum that will be presented for vote on June 8th and will include the Planning Board Ordinance and Shoreland Zoning Ordinance.
- b) Ted Baker and Phil Sheridan attended tonight's meeting again. They were both contemplating becoming alternate members of the Planning Board.
- c) Gootsch proposed that the Board cancel the Board's July 7th meeting. Both Bruce and Shelley will not be in attendance, and Dave Bonney will have retired at that point. The Board's next three meetings will be June 2nd, June 16th, and July 21st.

Next Meeting – Wednesday, June 2, 2021

Adjournment Becky moved to adjourn; Bruce seconded. Motion carried with a roll call vote with all three attending members voting in favor. The meeting adjourned at 8:47 PM.