

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, August 4, 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), Amy Call, Randy Akers (Alternate),
Ted Baker (Alternate)

Members Late: Bruce Pierce (Board Vice Chair)

Members Absent:

Staff Present: Joelle Corey (Code Enforcement Officer); 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. Ted Baker was appointed as a voting member in Bruce Pierce's absence.

Prior Attendance/Voting Eligibility: Amy Call confirmed that she has listened to the recording of the last meeting from which she was absent. With that in mind, Gootsch, Amy and Ted are eligible to vote at this meeting.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. The Recording Secretary noted that one typo was corrected following the draft that was emailed to the Board prior to this meeting; the copy currently in front of the Board reflects that correction. **Ted moved to accept the minutes as written, and Amy seconded. With no further discussion, the motion passed with all voting in favor.**

Business

- a. **Application # 21-268; SUBDIVISION AMENDMENT; Great Brook Preserve Subdivision;** 217 Glades View Avenue (subdivision lots 7 & 8), Map R-4 Lots 10 & 11; Scott McAllister & Elizabeth Aitken, owners:

The applicant reiterated the reason he is before the Board with this request for a lot line adjustment, which was due to a surveying error, and stated that he submitted the information that the Board requested during its June 16th meeting. The applicant stated that he sent in the application fee to the Town Office along with the package of applications and the large site map. The Recording Secretary will call the Town Office tomorrow to confirm payment receipt.

Amy moved that the waivers being requested in Question 83 of this application are not applicable to this application, and therefore a waiver does not need to be granted. Gootsch seconded the motion. The motion passed unanimously.

The application was assigned number 21-268.

Gootsch moved that the Board find this application complete on condition that the application fee has been paid. Ted seconded, and the motion passed unanimously.

Gootsch moved that a neither a site visit nor a public hearing is needed. Amy seconded. The motion passed unanimously.

- 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 –

Since this is a lot line adjustment, Gootsch moved that items A through U are not applicable. Amy seconded. The motion passed unanimously.

Gootsch moved that Application #21-268 is approved with the condition of approval that the application fee is paid. Ted seconded. The motion passed unanimously.

NOTE- The Recording Secretary confirmed with the Town Office that she did indeed receive a \$200 check from the applicant for the application fee (8/5/2021 BB).

For the record, Bruce Pierce arrived at 7:41pm; the Chair stated that Bruce will sit as an alternate at tonight's meeting. Bruce was absent at the prior meeting and stated that he has not listened to the recording of that meeting.

The recorder was paused while the Board proceeded to sign the final plans.

The Findings of Fact for this application will be prepared for review at the Board's next meeting.

Findings of Fact:

- a. **Application # 21-266; SHORELAND ZONING PERMIT; Intake Pipe Replacement; Sunday River/Snowmaking Pond:** The Board reviewed the findings. **Amy moved to accept the Findings of Fact for Application #21-266. Ted seconded. The motion passed unanimously.**
- b. **Application # 21-267; SHORELAND ZONING PERMIT; Bathroom Addition; 1342 Sunday River Road, Sean Caddigan, owner:** The Board proceeded to review the findings. **Amy moved to accept the Findings of Fact for Application #21-267; Ted seconded. The motion passed unanimously.**

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 7/22/2021 from Shelley Norton RE: Amended Planning Board Ordinance
- Email received 7/22/2021 from Shelley Norton RE: Remote Board Member Participation Status
- Email received 7/28/2021 from Casandra Whorff RE: Sunny Hill Subdivision
- Email received 7/29/2021 from Joelle Corey RE: Shoreland Zoning changes
- Email received 8/4/2021 from Joelle Corey RE: UDRO
- Emails received from MMA
 - Local Planning Boards & Boards of Appeal workshop – Sept 13th 4-7:30pm in Portland
 - How to Lead Effective Meetings workshop – Sept 9th 9am-4pm in Portland

Open Discussion

- a) **Remote Meeting Policy** – Shelley reiterated from the last meeting, that the Board of Selectmen has chosen to not enact a policy regarding remote meeting attendance. However, Shelley stated that the Town’s attorney has clarified that each Board has the right to decide if they would like to create a remote meeting attendance policy for their Board. If so, the Board would draft a policy, place a Public Hearing notice in the paper, hold the Public Hearing on the policy, and then enact the policy. Shelley noted that MMA has created a model policy, which the Board could work from, and have the Town attorney review the document. This policy would only affect voting Board members. Shelley stated that, per legislation, remote participation is limited to certain circumstances. The MMA model states “members of the Board are expected to be physically present for meetings except when not practicable such as in the case of an emergency or urgent issue that requires the body to meet via remote methods or an illness or temporarily absence of a member that causes significant difficulty traveling to the meeting location. Chair or presiding officer will, in consultation with the other members if necessary, make a determination that remote method of participation is necessary in a timely manner if possible, under the circumstances. The member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.” It was clarified that members attending remotely must be able to sign necessary documents in a timely manner. **Following discussion, Amy moved that the Board move forward with creating a remote meeting attendance policy using the model that MMA has provided. Gootsch seconded. The motion passed unanimously.**
- b) **Election of a Board Secretary** – The Board discussed the election of a Planning Board Secretary and the duties of that officer. These duties are listed in the Planning Board Bylaws. It was noted that many of these duties are currently performed by the Recording Secretary. When the Town Office receives payment for an application fee, the CEO offered to provide the Board with a receipt of that payment. It was noted that a copy of the receipt should be given to the applicant as well. With Amy’s announcement (below), it was decided to postpone the election of this officer until the next meeting. **Ted moved that given that the state of the Board appears to be in flux, the Board delay the voting of the Secretary until the Board is out of flux. Amy seconded. The motion passed unanimously.**
- c) Amy Call spoke of her plans to resign from the Board due to ongoing family responsibilities out of state.
- d) UDRO – Joelle sent an email to the Board regarding a permit application she received regarding the applicant’s desire to add plumbing to an accessory structure on a 1.5-acre lot in the General Development District. Joelle spoke about the unclear definitions that she encountered regarding the terms “Unit” and “Dwelling Unit” in various sections of the UDRO, Shoreland Zoning Ordinance, and the Building Code Ordinance. She would like to create some cohesiveness in the definitions within these 3 ordinances. She also suggested adding “Accessory Structure” to the Table of District Land Uses on page 97 of the UDRO. **Following discussion, Ted moved that the Board put the definition of Unit in the UDRO to be that of the Dwelling Unit as per the ICC code. Gootsch seconded. The motion passed unanimously.**

Gootsch motioned to move these changes to the Select Board for a Town-wide vote if there is time for them to include it in the November election. Amy seconded. The motion passed unanimously.

Next Meeting – Wednesday, August 18, 2021.

Bruce Pierce reminded the group that he will not be in attendance at the next meeting and will be out of cell service range.

Adjournment Ted moved to adjourn; Amy seconded. The motion passed with all voting in favor. The meeting adjourned at 8:47 PM.

APPROVED