

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 17, 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), Ted Baker (Secretary), Randy Akers (Alternate)

Members Late:

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 6:02 PM.

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

Prior Attendance/Voting Eligibility: With no absences at the previous meeting, all members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Ted moved to accept the minutes as drafted for the previous meeting. Bruce seconded. With was no discussion, the motion passed with all voting in favor.**

Business

- a) **Continued review of Chase Hill Subdivision Amendment Application #21-269;** Chase Hill and Kelliher Roads, Map R-5 Lots 23-14 & 23-15; Keith Durgin, owner; authorized agent, Gary Inman: Gary Inman stated that he believes he has submitted all the items requested during the last meeting.

The CEO mentioned that the 250' setback shown on the plans is correct; the covenants require a 250' setback even though the ordinance only requires a 75' setback.

The group reviewed and discussed the information submitted and noted that it seems that the applicant has submitted all the information that was requested. It was confirmed that tonight's applications (Chase Hill and Sunny Hill) will be reviewed under the UDRO that was in place when the applications were submitted; not the version that the Town recently passed at their Town meeting earlier this month.

Shelley said that comparing the newly submitted materials to the list of outstanding items, all issues seem to have been addressed. Abutter notices were mailed on November 1st; one notice came back as undeliverable.

The CEO later stated that she received a phone call from one abutter, Paul Rue (sp?) of R-5 27A; she added that she was able to answer his questions to his satisfaction.

Bruce moved that the Board accept the Chase Hill application as a complete application; Ted seconded. The motion passed unanimously.

The Board discussed whether a site visit and/or public hearing are necessary.

Ted moved that neither a public hearing nor a site visit are necessary. Gootsch seconded. The motion passed unanimously.

The Board reviewed the application regarding requested waivers.

Ted moved to allow a waiver for item # 39 on the application, which is identifying a method of fire protection for the proposed development. Bruce seconded. The motion passed unanimously.

Bruce moved that the Board allow a waiver for the traffic study as requested in item # 43 on the application. Gootsch seconded. The motion passed unanimously.

Ted moved that the Board accept the request for waiver item 45 on the application which requests a storm water management plan since there is no new road construction. Bruce seconded. The motion passed unanimously.

Bruce moved that the Board accept the waiver requested for item 48 requesting a written statement approving fire protection method and location due to the remote location of this subdivision and since there is no electricity or other major things that would concern the fire department. Ted seconded. The motion passed unanimously.

Gootsch moved that the Board approve the request for a waiver for item # 50, a statement of financial capability, since the applicant is literally just digging holes, doing soil tests, drawing lines on paper, and putting a few pins in the ground. Bruce seconded. The motion passed unanimously.

Ted moved that the high intensity soil survey plan requested in item 64 of the application is not applicable since it is not required for a minor subdivision, and this is a minor subdivision. Gootsch seconded. The motion passed unanimously.

Gootsch moved to approve the request to waive item 65, requesting a list of construction items and cost estimates, since there is no construction on this project. Bruce seconded. The motion passed unanimously.

Gootsch moved that item 67 (roadway plan profile) and item 68 (typical cross-section for road grading and sidewalks) may be waived. Bruce seconded. The motion passed unanimously.

Bruce moved that item 69 regarding a liquidation harvesting rules statement be waived. Gootsch seconded. The motion passed unanimously.

The Board proceeded to review the criteria for approval.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (page 9)

- A. **Pollution** – After noting that this project is on a hillside and that test pits for septic systems have been done, and after the applicant’s agent described the gentle slope and drainage areas on the site, and since the development has already been approved (this is just an amendment to split two lots into 4 lots), Gootsch moved that the standards have been met for this item. Bruce seconded. The motion passed unanimously.
- B. **Erosion** – Bruce moved that this project will not cause unreasonable soil erosion or reduction in land’s capacity to hold water so that dangerous or unhealthy conditions result. Gootsch seconded. The motion passed unanimously.
- C. **Traffic** – Gootsch moved that traffic will not be unreasonably impacted by this development. Bruce seconded. The motion passed unanimously.
- D. **Sewage Disposal** – Gootsch moved that item D is not applicable. Bruce seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal** – Ted moved that the proposed development will not cause an unreasonable burden on Town’s ability to dispose of solid waste. Bruce seconded. The motion passed unanimously.
- F. **Aesthetic, Cultural and Natural Values** – Gootsch moved that aesthetic, cultural and natural values will not be affected. Ted seconded. The motion passed unanimously.
- G. **Financial and Technical Capacity** – Ted moved that the Board waive this requirement since the development is already approved and this is just an amendment concerning a lot line amendment. Gootsch seconded. The motion passed unanimously.
- H. **Sufficient Water** – Bruce moved that this development, since it is just splitting lot lines, does have sufficient water available for reasonably foreseeable needs. Ted seconded. The motion passed unanimously.
- I. **Public Water Supply** – Gootsch that item I is not applicable. Bruce seconded. The motion passed unanimously.

- J. **Surface Waters** – Gootsch moved that item J is not applicable because it is not in the drainage basin of any wetlands, great ponds, or rivers. Bruce seconded. The motion passed unanimously.
- K. **Ground Water** – Gootsch moved that this project will not adversely affect ground water. Ted seconded. The motion passed unanimously.
- L. **Flood Areas** – Gootsch moved that item L is not applicable. Bruce seconded. The motion passed unanimously.
- M. **Freshwater Wetlands** – Gootsch moved that item M is not applicable. Bruce seconded. The motion passed unanimously.
- N. **River, Stream or Brook** – Gootsch moved that all rivers, streams and/or brooks have been identified on the map. Bruce seconded. The motion passed unanimously.
- O. **Storm Water** – Ted moved that since this is an amendment to an already approved subdivision, that storm water management is not applicable. Gootsch seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – Gootsch moved that the lots meet the standard in item P. Ted seconded. The motion passed unanimously.
- Q. **Municipal Services** – Bruce moved that the proposed development will not place any unreasonable burden on the Town’s municipal services including that of the fire department and local school system. Gootsch seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration** – Gootsch moved that item R is not applicable to this project because it is not in the drainage basin of Howard Pond. Bruce seconded. The motion passed unanimously.
- S. **Impact on Adjoining Municipality** – Gootsch moved that item S is not applicable to this project since it does not cross municipal boundaries. Bruce seconded. The motion passed unanimously.
- T. **Land Subject to Liquidation Harvesting** – Gootsch moved that item T has been waived and is therefore not applicable to this project. Ted seconded. The motion passed unanimously.
- U. **Conformity with Local Ordinances and Plans** – Gootsch moved that item U has been met. Ted seconded. The motion passed unanimously.

Gootsch move that the Board approve Application # 21-269, Chase Hill Subdivision Amendment. Bruce seconded. The motion passed unanimously.

The Board proceeded to sign the plans.

- b) **Continued review of Sunny Hill Subdivision Amendment Application #21-265**; Mansion Avenue, Map R-14 Lot 3; Jeremy & Casandra Whorff, owners: Jeremy and Casey Whorff were in attendance. The Board proceeded to review the newly submitted information.

Discussion ensued regarding any deed covenants and whether there were any restrictions on dividing lots. Casey explained that the title search did not find any restrictions to the number of times a lot can be split.

Shelley noted that Newry does not have a back-lot provision in their ordinance. It was pointed out that both lots, which will result from this lot division, will have road frontage on Mansion Avenue; therefore, a backlot provision isn’t necessary. The Hardy & Hardy plan and the plan created by Belanger dated Nov 8th depict the road frontage with a 10’ wide opening between the property line and the driveway.

Gootsch moved that the Board find Application # 21-265 complete; Ted seconded. The motion passed unanimously.

Gootsch moved that the Board does not do a site visit; Bruce seconded. The motion passed unanimously.

Since this is an amendment to an existing subdivision a public hearing is not required, Gootsch moved that the Board not hold a public hearing. Ted seconded. The motion passed unanimously.

The application shows 3 waivers being requesting: the requirements for a traffic study, a high-intensity soils map, and for building setbacks to be shown on the Hardy & Hardy plan.

Jeremy explained that a waiver is being requested for the high intensity soils study, which is quite extensive, since this is just an amendment to an already approved subdivision, and he believed that study is not applicable for an amendment. He added that a medium-intensity soils study was done for the septic and runoff.

Casandra explained the reason for requesting a waiver for the traffic study saying she recalled it being discussed at a previous meeting and that the Board indicated that since this was an amendment (splitting one lot into two) the traffic study was not needed.

Regarding the waiver for the setbacks being shown on the plans, the CEO noted that setbacks weren't requested in any of the previous meeting meetings that she saw covering this amendment application, and that setbacks are required when she does the Building Permit Application so she will get the setbacks during that process.

Ted moved that since this is an amendment to an already approved subdivision, the requirement for a traffic study be waived; Bruce seconded, and the motion passed unanimously. Following discussion, Ted amended his motion to say add that: Since this application just adds one additional lot to this already approved subdivision, and the one added lot would have a minor impact on any vehicular traffic, he moved that the Board waive the requirement for the applicant to provide an estimated number of vehicular traffic to be generated daily and during peak hours. Gootsch seconded. The motion passed unanimously.

Since this is an amendment to an already approved subdivision, Gootsch moved that a high intensity soils survey plan is not required and is being waived. Bruce seconded. The motion passed unanimously.

Gootsch moved that the requirement for building setbacks to be shown on the Hardy and Hardy plan is not applicable to this application; Ted seconded. The motion passed unanimously.

The Board proceeded to review the criteria for approval.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (page 9)

- A. **Pollution** – Gootsch moved that Pollution has been addressed. Bruce seconded. The motion passed unanimously.
- B. **Erosion** – included in the motion below at the end of this review list
- C. **Traffic** – included in the motion below at the end of this review list
- D. **Sewage Disposal** – Gootsch noted that each lot being created by this proposed amendment has a soil test pit which the soil scientist says is good for onsite sewerage disposal, and therefore moved that the criteria for this item has been met. Ted seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal** – included in the motion below at the end of this review list
- F. **Aesthetic, Cultural and Natural Values** – included in the motion below at the end of this review list
- G. **Financial and Technical Capacity** – included in the motion below at the end of this review list
- H. **Sufficient Water** – Bruce moved that the proposed amendment meets the criteria for H, Sufficient Water, and will have sufficient water for reasonably foreseeable needs. Gootsch seconded. The motion passed unanimously.
- I. **Public Water Supply** – included in the motion below at the end of this review list
- J. **Surface Waters** – included in the motion below at the end of this review list
- K. **Ground Water** – included in the motion below at the end of this review list
- L. **Flood Areas** – included in the motion below at the end of this review list
- M. **Freshwater Wetlands** – Gootsch moved that this item is not applicable to this project. Bruce seconded. The motion passed unanimously.
- N. **River, Stream or Brook** – included in the motion below at the end of this review list
- O. **Storm Water** – Since the application includes extensive storm water studies, Gootsch moved that this item has been adequately covered in this application. Bruce seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – included in the motion below at the end of this review list
- Q. **Municipal Services** – included in the motion below at the end of this review list
- R. **Lake Phosphorus Concentration** – included in the motion below at the end of this review list

- S. **Impact on Adjoining Municipality** – included in the motion below at the end of this review list
- T. **Land Subject to Liquidation Harvesting** – included in the motion below at the end of this review list
- U. **Conformity with Local Ordinances and Plans** – Bruce moved that this proposed amendment is in conformity with local ordinances and plans. Ted seconded. The motion passed unanimously.

Gootsch moved that items B (Erosion), C (Traffic), E (Municipal Solid Waste Disposal), F (Aesthetic, Cultural and Natural Values), G (Financial and Technical Capacity), I (Public Water Supply), J (Surface Waters), K (Ground Water), L (Flood Areas), N (River, Stream or Brook), P (Spaghetti-Lots Prohibited), Q (Municipal Services), R (Lake Phosphorus Concentration), S (Impact on Adjoining Municipality), and T (Land Subject to Liquidation Harvesting) are not applicable to this application and should be noted as such. Bruce seconded. The motion passed unanimously.

Bruce moved that the Board approve Application # 21-265. Gootsch seconded. The motion passed unanimously.

The Board proceeded to sign the plans. Since the Registry of Deeds requires that plans have no creases and no tears, and since the plans that the applicant provided to the Board for tonight's meeting have all be folded and creased, the applicant will bring an uncreased plan to the Board for signing later; that plan will be brought to the Registry of Deeds by the applicant.

Findings of Fact - none

Open Discussion

- a) Joelle announced that the Town now has GIS mapping; it will be going live in 3-4 weeks. Joelle explained the features of this new, exciting tool.
- b) Joelle also announced that she will now be shared with the Town of Bethel – 20 hours per week in each town. The current CEO in Bethel is leaving Bethel and Joelle is their alternate CEO. Joelle is doing this on a trial basis; at this point, Bethel is not looking to hire a new CEO.
- c) Lithium Mining Moratorium discussion and decision -- Public Hearing Tuesday, Nov 30, 2021, at 6pm at the Grange Hall. Ted, Bruce, and Randy are planning to attend so that the Board will have a quorum in attendance. A Special Town Meeting will directly follow the Public Hearing. Just to clarify, this is to only discuss and vote on a moratorium, which will allow the town the ability to not accept any applications for mining until they have had some time to work on a mining ordinance or to add mining standards to the Town's current ordinance.

Next Meeting – Wednesday, December 1, 2021

Adjournment Gootsch moved to adjourn; Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 8:13 PM.