

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, February 2, 2022**  
**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

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**Call to Order:** Chairman John Gauthier called the meeting to order at 6:06 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 minutes from the previous meeting, which was held January 5, 2022. **Bruce moved to approve the minutes of January 5, 2022, as written; Ted seconded. With no discussion, the motion passed with all voting in favor.**

**Business**

- a) Dream Maker Condominiums – The Board and CEO spoke about the Dream Maker Condominiums, which have gone up for sale, and deposits are being taken. Joelle noted that units on the 1<sup>st</sup> floor are priced at \$900,000, the 2<sup>nd</sup> floor units are around \$1.1 million, and 3<sup>rd</sup> and 4<sup>th</sup> floor units are at \$1.3 to \$1.5 million. Construction has not yet begun; it is expected to start this spring. These sales are generated from architectural renderings.
- b) Merrill Hill – Joelle noted that she has issued one building permit for the Merrill Hill project. She added that there are two pending and two in front of their Architectural Review Board – all are Sunday River lots.

**Findings of Fact** - none

**Open Discussion**

- a) **Metal Mining Discussion and Possible UDRO Changes:** Shelley provided the Board with some proposed language for a new “Mining and Mineral Exploration” section (along with some new, relevant definitions) to be added to the UDRO if approved by the Town’s citizens.

Following review of the above document, Gootsch asked about 1.e., Blasting. Shelley explained that it was a placeholder, but stated that it can be removed from section 1 (General Restrictions) because she had added it to section 2 (General Standards) under subsection c.ii. Discussion then ensued regarding the aggregate area of slope noted in 1.d.; Shelley explained that the 10,890 square feet noted is one-quarter acre.

The group discussed the bond that would be required and how often it should be reviewed. Shelley asked if the town would want the landowner to come before the Planning Board to have the whole proposed area approved. Shelley explained that is it common for a Select Board to assess whether the amount of the bond is sufficient. Generally, an engineer develops a cost estimate to determine what the reclamation expenses would be – she stated that communities generally want at least 100% of that reclamation amount held in bond, and that some communities require 150% be held in bond to ensure the town has enough money to hire experts if needed. Following the discussion, Shelley stated that she will add to her draft document that 100% of the cost for reclamation be held in bond.

The group discussed the triggers for review by the Code Enforcement Officer and the Planning Board – for example, mining and mineral exploration one-quarter (1/4) of an acre to 1 acre in size would only need a permit from the CEO; any operation with an aggregate area of greater than 1 acre shall require a permit issued by the Planning Board. Five acres and greater would require a permit issued by Maine DEP. The group talked about the

depths of the digs and the requirement for being 2 feet above the normal highwater level of an identified aquifer, as well as possibly requiring the area to be internally drained.

The group discussed the potential damage resulting from the roads created to access the pit(s). It was clarified that the “mineral extraction site or area” would include any access road or cleared area adjacent to a pit or excavated area per the definition of that site/area.

Shelley suggested requiring photos of the site as additional submittal with the application. The Board agreed with this suggested.

Joelle noted that once the Board has a draft that they are comfortable with, it will need to be sent to the Select Board for review, and then to the Town’s attorney for his review.

Joelle will research the forestry road standard for possible inclusion in this section. Shelley will add a placeholder as a reminder.

Discussion ensued about the possible stormwater runoff standard that would need to be met. Shelley noted that the language she drafted is stringent – the “gold standard” – to ensure that discharge from the site is similar to pre-construction runoff. The group agreed with that language.

The group discussed how often a landowner would need to come before the Board. They talked in length about the various scenarios. No decision was made during that discussion; however, in the revised document that Shelley provided following this meeting, she made a notation that every 5 years the reclamation cost estimate should be updated and reviewed by the Select Board.

- b) Mahoosuc Glen Subdivision change for clerical error: The final plan for Mahoosuc Glen Subdivision included a mistake on the measurement of Lot #1’s road frontage. It was noted on the final plan as being 388 feet; however, the correct length is 338 feet. The owner of the lot is Dean Frasier. Gary Inman was hired by Dean Frasier to submit the corrected plan. The CEO clarified that there no lot lines are changed, and no lot sizes are changed; this is simply correcting a typographical error. **Bruce moved that the Board approve the Amendment Plan of the Mahoosuc Glen, Newry, Maine, Lot 1. Ted seconded, and the motion passed unanimously.**

The fee for this Amendment Application is \$150. The application was numbered 22-270. The CEO noted that no Findings of Fact would be needed since the Town and the Applicant would have a copy of the recorded plans.

- c) Discussion ensued regarding subdivision phasing: Joelle spoke about The Pines Subdivision project being for sale (the whole project). She is trying to discern if the permit has become void because of time. The plans were approved by the Planning Board on Oct 21, 2015; they came back before the Board for an extension. In 2019, there is an email from Dave Bonney stating that the permit was valid for 10 years, giving the developers until 2023 to begin the project or come back before the Board again. Joelle is not able to find evidence of an approved phased plan. Ted suggested that Joelle research the Declaration of Condominium. If she is not able to find the answer she needs, she will add this topic to the next agenda for discussion.

**Next Meeting** – Wednesday, February 16, 2022, if any agenda items arise by EOB tomorrow; otherwise, the next meeting will be held March 2, 2022.

**Adjournment** Ted moved to adjourn; Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 7:33 PM.