

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, August 3, 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)

Members Late: Randy Akers (Alternate) – 6:30pm

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent:

Call to Order: Chairman John Gauthier called the meeting to order at 6:00 PM.

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

Prior Attendance/Voting Eligibility: Bruce, who was not present at the July 6th Public Hearing and Planning Board meeting, stated that he has not yet listened to the entire recordings from that evening. He added that he will be sure to do so prior to the Board's next meeting. Therefore, Bruce will abstain from voting on those minutes. The application discussed at the July 6th hearing and meeting is not on tonight's agenda, and therefore no votes will take place tonight on that project.

Previous Meeting's Minutes: The Board reviewed the previous meetings' minutes – June 15 PB mtg, July 6 Public Hearing for New River Village Subdivision application # 22-272, and the July 6 PB meeting.

Ted moved to accept the minutes of the June 15th, 2022, Planning Board meeting as written; Bruce seconded. With no discussion, the motion passed with all voting in favor.

Ted moved to accept the minutes of Public Hearing held on Application # 22-272 on July 6th, 2022, as written, and Gootsch seconded. With Bruce abstaining from the vote, the motion passed with Gootsch and Ted voting in favor.

Gootsch moved to accept minutes of the Wednesday, July 6th, Planning Board meeting with the following corrections on page 2 under Open Discussion:

- at the end of the first paragraph, change "not all caps of possible" to "not all caps if possible" and
- in the next paragraph, change "MMA" to AVCOG".

Ted seconded the motion, and with Bruce abstaining from the vote, the motion passed with Gootsch and Ted voting in favor.

The group discussed a few topics included in the minutes of the last meeting – specifically, Mtn View Weddings and yurt glamping.

Business – none

Reports – none

Findings of Fact - none

Open Discussion

- a) **Performance Guarantees.** Prior to tonight's meeting, Ted distributed a memo dated Aug 3, 2022, to the Planning Board regarding Performance Guarantees. Ted spoke about his research, and asked Gootsch if he knows of any

history with the Board and Performance Guarantees. Ted pointed out that in Section 21, it specifically states that “the Planning Board cannot waive this requirement”.

The Board discussed some restrictions placed on various past projects (i.e., prohibiting the sale of lots until roads are built, etc.), but it didn’t seem like an actual performance guarantee was put in place.

Since the performance guarantee includes cost estimates for infrastructure improvements, and since the Board doesn’t have the expertise in-house to verify the information that would be submitted by the applicant, the group discussed the need to consult with a professional engineer or another qualified entity to review and verify the cost estimate provided by the applicant. Ted pointed out that Section 21 says “infrastructure improvements”, and that term is defined in the UDRO as roads, drainage and stormwater systems, cisterns, fire ponds, as well as multi-user water and sewer systems both public and private. It does not, at this point, include utilities.

Ted noted that the Board may require additional funds be put forth up to \$2,500 to cover additional costs incurred by the Board in reviewing the application (i.e., when the Board needs to hire an impartial consultant to review the application and/or the supporting documentation). Another option other than hiring a consultant is to purchase an RS Means construction cost data book for Joelle to use as a tool for reviewing estimates.

The performance guarantee would reduce the Town’s risk of ending up with a feral or abandoned project.

NOTE: Randy Akers arrived at 6:30

The group discussed phased projects and what has been done historically (i.e., minor revisions to a phased subdivision “resetting” the clock on the sunset date, etc.) versus what is stated in the UDRO.

It was confirmed by the Town Administrator that implementing performance guarantees will not put a burden on the staff in the Town Office.

Ted noted that this would extend the application review process.

The group discussed Escrows as noted in Section 10.B.6 (page 37) in the new UDRO. The escrow could be used to pay the advertising fees for Public Hearings, and could be used to pay for the estimator, etc.

Ted talked about the challenges for the Board:

1. Incorporating the determination of a Performance Guarantee into the application process, and
2. Making sure that the Performance Guarantee and its conditions are documented in the final approval and on the plan that gets submitted to the Registry of Deeds.

In summary, Ted proposed that the Board incorporate this into the application review process and satisfy the requirements of the UDRO. Since this is in the current and in the recent previous versions of the UDRO, the Board should apply this to all current and future applications. It was noted that the current applicant was informed at the last meeting (July 6th) about the Performance Guarantee requirement, and such is noted in that meeting’s minutes.

Becky will update the Application Review check-off sheet to include a reminder to discuss a Performance Guarantee.

- b) **New Affordable Housing Law.** Joelle distributed to the Board prior to this meeting a copy of the MMA’s New Affordable Housing Law; Summary for Municipalities (dated June 22, 2022). As of August 2023, this law will be in effect statewide. It allows up to 3 additional auxiliary units (a garage attic may be turned into an auxiliary dwelling unit; an attached auxiliary dwelling unit could be built onto your existing house; and one separate unattached auxiliary dwelling unit could be built on the property). Therefore, one lot (of whatever size) could end up with 4 dwelling units if septic requirements can be met.

Joelle pointed out that the septic systems for these new auxiliary dwelling units must meet first-time system criteria. Property owners adding these auxiliary dwelling units are not allowed the variances that a replacement system for an existing dwelling unit is allowed.

The group discussed the various potential ownership options that could result from these multi-dwelling lots when the original lot owner decides to sell all or any portion of this lot – any portion of (or interest in) the land and/or any of the dwelling units. They talked about researching this further to see how it impacts Newry. For instance, subdivisions that were approved with the number of dwelling units meeting the neighborhood road standards could now have the number of dwelling units being served by those neighborhood roads increase and exceed the standard of “no more than 65 lots and/or individual dwelling units shall be served by a neighborhood road”. The group expressed the need to investigate how this new law affects Newry’s ordinances.

Joelle noted that she believes MMA will be providing some draft language for towns to possibly use in their ordinances, and she said that Northern Forest is working with another local town to help them re-write their land use and building ordinance.

Ted noted that the Department of Economic and Community Development is working on the regulations to implement this new law. Their website noted that their goal is to provide those regulations by the end of this month.

Next Meeting – Wednesday, August 17, 2022

Expected to be on the next agenda:

- New River Village Subdivision under Business, and
- Glamping under Open Discussion.

Adjournment Ted moved to adjourn this meeting of the Planning Board until 2 weeks from today, which would be the 17th of August at 6 o’clock in the evening; Gotsch seconded. Motion passed with all voting in favor. The meeting adjourned at 7:42 PM.