

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, August 17, 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), Ted Baker (Secretary)

Members Late: Randy Akers (Alternate) arrived at 6:43pm

Staff Present:

Members & Staff Absent: Bruce Pierce (Board Vice Chair), Joelle Corey (Code Enforcement Officer)

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: The two Board members in attendance have had no recent absences and therefore, are eligible to vote.

Point of Business: John Gauthier and Edward Baker were sworn in as Planning Board members for the Town of Newry by the Town Administrator, Loretta Powers.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Gootsch moved to accept the minutes of the Wednesday, August 3rd meeting as written. Ted seconded. With no discussion, the motion passed with both Gootsch and Ted voting in favor.**

Business

a) **New River Village, Justine Fletcher Inc.; Map r-12 Lot 13, Sunday River Road; Minor Subdivision Application # 22-272:** Justin Fletcher stated that the changes requested by the Board at the July 6th meeting have been made – the lighting note has been added to the plan, the washout station for construction vehicles is on the plan, a landscape plan is now submitted, and the note prohibiting garbage disposals has been added to today's revision of the Declaration of Condominium as well as the Public Offering Statement. The Board reviewed the newly submitted documentation – the declaration and public offering statement. It was noted that the verbiage prohibiting garbage disposals can be found in The Declaration of Condominium in Section 12.1 item 6.

Following their review, the Board noted that the final plan (C-1.0) needs to specifically state that "all open spaces shall not be used for future building lots". The Board asked if the applicant plans to phase this project; and the applicant stated that they will not be phasing this project. It was noted to the applicant that the project must be commenced within 24 months of Planning Board approval (since it does not require State or Federal review) and be finished within 18 months after commencement per the UDRO.

Since the cost of driveway improvements are listed at \$80,000; therefore, a performance guarantee of \$8,000 is required, and delivered 5 days prior to the start of construction.

It was noted that the final plan must include a Registrar's Block meeting the specific requirements as described in the UDRO on page 50 Section 10.D.3.b.

Ted moved that the following Conditions of Approval be applied to Application 22-272:

1. All open spaces shall not be used for future building lots.
2. A performance guarantee of \$8,000 must be submitted to the Town no later than 5 days prior to the commencement of construction.
3. No unit owner shall have, use, install, or cause to be installed a garbage disposal in any unit.

During discussion Ted amended his motion regarding the first Condition of Approval (#1 above) so that it states: "All open spaces shall not be used for future dwelling units without Planning Board approval".

Ted's amended motion states the following Conditions of Approval be applied to Application 22-272:

1. All open spaces shall not be used for future dwelling units without Planning Board approval.
2. A performance guarantee of \$8,000 must be submitted to the Town no later than 5 days prior to the commencement of construction.
3. No unit owner shall have, use, install, or cause to be installed a garbage disposal in any unit.

Gootsch seconded the amended motion, and it passed with Gootsch and Ted voting in favor.

Randy Akers arrived at 6:43 pm. Since Randy was not in attendance for the earlier discussions on this application, he will abstain from voting on this application.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (pages 21-24)

- A. **Pollution** – The Board noted that this project is well above sea level, the applicant has made provisions to make this development elevated above flood levels as indicated by FEMA, the wetlands are noted on the plans, the applicant has submitted septic designs showing the soils are adequate for waste disposal, and the nature of this project will not create pollution. Therefore, Ted moved that the proposed development will not result in undue water or air pollution, and in making this determination, the Board has covered the 5 points in this section of the UDRO; Gootsch seconded, and the motion carried with both members voted in favor.
- B. **Erosion** – Gootsch noted that this development is on level ground and moved that once the project is grassed over and the landscaping is complete, there will not be unreasonable soil erosion. Ted seconded. The motion carried with both members voted in favor.
- C. **Traffic** – The Board noted that the applicant has provided the board with a driveway permit from Maine DOT, and the Town's Road Commission did not respond negatively to the notification letter from the applicant. Therefore, Ted moved the proposed development will not cause an unreasonable highway or public road congestion or unsafe condition in respect to the use of highways or public roads. Gootsch seconded. The motion carried with both members voted in favor.
- D. **Sewage Disposal** – The Board noted that the applicant has provided plans for four subsurface wastewater disposal units which are private systems, and therefore no municipal services will be utilized. Therefore, Gootsch moved that the Board has looked at Sewage Disposal, and it is covered. Ted seconded. The motion carried with both members voted in favor.
- E. **Municipal Solid Waste Disposal** – The Board confirmed that the applicant will have their own dumpster for construction debris, and that there will be a private dumpster on site once the units are sold. Therefore, Gootsch moved that E, Municipal Solid Waste Disposal has been covered. Ted seconded. The motion carried with both members voted in favor.
- F. **Aesthetic, Cultural and Natural Values** – The Board noted that this is not an historic site, nor a significant wildlife habitat identified by the Dept of Inland Fisheries to the Board's knowledge, and there are no irreplaceable natural areas, and the shoreline is private. Therefore, Ted moved Section F, Aesthetic, Cultural, and Natural Values has been met; Gootsch seconded. The motion carried with both members voted in favor.
- G. **Financial and Technical Capacity** – The Board noted that the applicant provided a letter from his CPA that states he has the financial capacity, and he will be submitting a performance guarantee. Therefore, Gootsch moved that Financial and Technical Capability has been met. Ted seconded. The motion carried with both members voted in favor.
- H. **Sufficient Water** – It was noted that this project is on an aquifer. Gootsch moved that H, Sufficient Water, has been met. Ted seconded. The motion carried with both members voted in favor.
- I. **Public Water Supply** – Gootsch moved that item I, Public Water Supply, is not applicable. Ted seconded. The motion carried with both members voted in favor.
- J. **Surface Waters** – The Board noted that this project is not in the watershed of any pond or lake and is not within 250' of any well. Therefore, Gootsch moved that item J, Surface Waters, has been covered. Ted seconded. The motion carried with both members voted in favor.

- K. **Ground Water** – The Board noted that this development is residential and without basements and this project is at the bottom end of the aquifer. Therefore, Gootsch moved that K, Ground Water, has been covered. Ted seconded. The motion carried with both members voted in favor.
- L. **Flood Areas** – The Board noted that the applicant’s plans show that the proposed development has been elevated above the existing grade and the floor elevation of each unit is at least 1 foot above the 100-year flood elevation as depicted by the Federal Emergency Management Agency Flood Boundary and Floodway map. Therefore, Ted moved that section L, Flood Areas, has been met and that the dwellings proposed by the applicant will all be at least 1 foot above the 100-year flood elevation for that area. Gootsch seconded. The motion carried with both members voted in favor.
- M. **Freshwater Wetlands** – The Board noted that there are no open-water wetlands in the area that is proposed for development; there are some wetland soils within the proposed development, but the impact upon those wetland soils has been minimized, and there are no septic systems, wells, nor structures within the limits of those wetland soils. Therefore, Gootsch moved that item M, Freshwater Wetlands, has been covered. Ted seconded. The motion carried with both members voted in favor.
- N. **River, Stream or Brook** – The Board noted that there is a stream on this property; the stream is well defined on the map, and the development is setback more than 75’ from the stream at any given point. Therefore, Ted moved that the applicant has met the requirements as set in subsection N, River, Stream, or Brook, and is in compliance. Gootsch seconded. The motion carried with both members voted in favor.
- O. **Storm Water** – The Board noted that the applicant has submitted extensive notes on storm water management plan C-3.0, and they show their proposed culverts and grading. Gootsch moved that O, Storm Water, has been covered. Ted seconded. The motion carried with both members voted in favor.
- P. **Spaghetti-Lots Prohibited** – Ted moved that section P, Spaghetti-Lots Prohibited does not apply. Gootsch seconded. The motion carried with both members voted in favor.
- Q. **Municipal Services** –The Board noted that the structures will have sprinkler systems, and the school system should not be impacted. Gootsch moved that Q, Municipal Services, has been reviewed. Ted seconded. The motion carried with both members voted in favor.
- R. **Lake Phosphorus Concentration** – Ted moved that R, Lake Phosphorus Concentration, is not applicable since the area is not in the Howard Pond phosphorus concentration area. Gootsch seconded. The motion carried with both members voted in favor.
- S. **Impact on Adjoining Municipality** – Gootsch moved that S, Impact on Adjoining Municipality, is not applicable since this development does not cross municipal boundaries. Ted seconded. The motion carried with both members voted in favor.
- T. **Land Subject to Liquidation Harvesting** – Gootsch moved that item T, Land Subject to Liquidation Harvesting, is not applicable. Ted seconded. The motion carried with both members voted in favor.
- U. **Conformity with Local Ordinances and Plans** – Gootsch moved that item U, Conformity with Local Ordinances and Plans, has been covered. Ted seconded. The motion carried with both members voted in favor.

Ted moved that the Planning Board approve Application 22-272 with the three conditions of approval as previously moved and approved earlier at this meeting and with the condition that the final plan be submitted for the Board’s signature at the Board’s next meeting with the appropriate notations on it. Gootsch seconded. The motion carried with the two members voting in favor.

It was clarified to the applicant that the Board need’s an application with the date of the last revision as well as his signature. The applicant will provide that along with the revised plans showing the conditions of approval and Registrar’s block. It was also noted that if the applicant sends someone in his stead, that person will need to have a letter of authorization signed by Justin.

- b) Bill and Gretchen Strauss talked to the board regarding their property in North Newry, known as the Wight family farm on Rt 26 adjacent to Step Falls. They have been trying to sell their property and have interested parties contact them. Their property is in both the Rural District and the General Development District. The interested parties would like to do a campground; however, campgrounds are only permitted in Rural District.

Ted noted that a point of order is in state. It was clarified that Yurt/Glamping is on the agenda as an Open Discussion item for the Board to discuss the topic in general. It was explained to the Strausses that they are not on the agenda, and therefore, the Board cannot discuss their property specifically; they would need to be on the agenda so that any interested party (i.e. abutters, etc.) has the opportunity to be present at the discussion since this is an open meeting.

The Strausses are hoping to have the Land Use Table in the Ordinance changed to allow campgrounds in General Development District (or at least the area in which their property lies). Following discussion, it was explained to the Strausses that any changes to zoning districts would need to be put on the warrant for vote at a Town Meeting; this is a lengthy process – probably many months of work.

It was explained to Bill & Gretchen, that as the Board moves to their discussion on Yurt/Glamping Development, they are welcome to stay and listen, but this is not a public hearing, so the Board is not allowed to speak about their property specifically.

Reports

- a) **Fire Pond Maintenance:** In Joelle's absence, Ted noted that the CEO has sent out notices to at least two parties responsible for fire pond maintenance and wanted the Board to be aware. There are several fire ponds in need of attention.

Findings of Fact - none

Open Discussion

- b) **Yurt/Glamping Development:** Ted noted that he revised his memorandum to the Board after reviewing the Shoreland Zoning Ordinance. Ted talked about his research in the two ordinances, and the lack of performance standards in the ordinances (especially in the UDRO) to guide the development of a campground. He notes three courses of action that the Planning Board could take: 1) take no action and just stay with what the Board currently has; 2) develop a set of performance standards for campgrounds regarding size, square footage per campsite, setbacks, saturation, lot size – minimum/maximum, etc. 3) review the comprehensive plan to see if campgrounds should remain in the Rural District or if they would be better placed in a different district such as Resort Development District or General Development District.

The Board asked Brooks Morton, who attended the meeting, if he was involved in the creation of the Ordinance and if he recalled the thought process behind why campgrounds were restricted to only Rural District. Brooks stated that he worked with Les Otten, Fred Burke, and Bryce Yates to create the UDRO, and spoke of the history of the creation of the UDRO, and the desire to protect the scenic byway along the Bear River. The group discussed other surrounding campgrounds (some are no longer in use) as well as some around more populated areas of the State.

At 8:03 pm, Ted moved that Gootsch seconded that the meeting be extended for another 30 minutes.

The group continued their discussion on campgrounds and talked about the ordinance recently created by the town of Tremont and perhaps using that as a resource if the Board chooses to move forward with drafting some standards for review.

Ted moved that the Board table the discussion on glamping and campgrounds until the Board's next meeting. Gootsch seconded, and the motion passed unanimously.

Next Meeting – Wednesday, September 7, 2022

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