

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, October 5, 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:**

**Staff Present:** Joelle Corey (Code Enforcement Officer)

**Members & Staff Absent:**

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

**Ted Baker made a motion to amend the agenda and include in paragraph 4, section b), Findings of Facts for Sunday River Daycare Review. Bruce seconded the motion, and it passed with no discussion.**

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

**Prior Attendance/Voting Eligibility:** Randy did not attend at the last meeting. However, since he is an alternate, and since all full Board members are in attendance tonight, he is not eligible to vote anyway.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes. **Ted moved that the Board amend the minutes from the meeting of September 21, 2022, in Open Discussion, Section a), first paragraph, replace the words "zoning districts" with "growth management districts". Gootsch seconded, and the motion passed unanimously.**

**Bruce moved that the Board accept the minutes of Wednesday, September 21, 2022, Newry Planning Board as amended Ted seconded. With no further discussion, the motion passed with all voting in favor.**

**Business**

- a) **Mountain House Ice Palace Venue:** Julie Stevens of The Mountain House on Sunday River on the Sunday River Road explained their plans to do a winter event on top of the approval they already have in place. The winter event would be an Ice Palace venue in early 2023 at that location. Julie introduced Lester Spear, the creator of the Ice Palace, and Lester distributed 3 handouts: photos of previous ice palaces, an informational sheet regarding "State of the Art" and "Field of the Art", and a packet of site maps that included a copy of the site plan signed by the Planning Board on Oct 18, 2017.

The CEO pulled a copy of the site plan map and the file from the 2017 approval (Application #17-237 for Mountain House on Sunday River) for the Board to reference. Discussion ensued regarding the previous approval.

Following the discussion, the chairman explained that the previous application that was approved in 2017 did not include the lot that Julie is planning to use for this venue. The 2017 application referenced lots 25B (which is where the parking lot is located) and 26C (which is the lot across the road where the lodge and porch are located) both of these lots are on tax map R13. The 2017 application also referenced lot 2-1 on tax map R14 (where the farmhouse is located). The area where Julie is proposing to put the ice palace is not a lot that was included in the 2017 approval.

**Ted moved that whereas:**

- 1) Maine Mountain House is proposing a commercial venture centered around an ice castle on Lot R-13-25,**
- 2) Lot R-13-25 is not currently part of any previous site plan review approved by the Planning Board,**
- 3) Lot R-13-25 is located in the General Development District as per the UDRO (Unified Development Review Ordinance) Section 23 (Growth Management Districts),**
- 4) The commercial activity proposed is a “commercial recreation” as defined by the UDRO Section 24.B (Definitions)**

**Therefore, in accordance with the Table of District Land Use (UDRO Section 23.H, line 24), a site plan review is required. Bruce seconded the motion, and the motion passed unanimously.**

The Chair explained to the event creator that a new site plan (and application) is needed for this project per the UDRO.

The Board reviewed the previously approved application (Application #17-237 for Mountain House on Sunday River), and found that it included the following condition of approval:

- The applicant shall limit the number of people at an event to 163 including vendors and attendees per Section XVB-3 of the UDRO.

That application was also approved with the waiver below:

- The Planning Board finds that there are special circumstances of the Project Area that justify waiving the Section XV Parking and Entrance Design Standards of marking and delineation of the parking areas and aisles and of the minimum number of parking spaces required. The parking area will be used only seasonally for weekend events and currently is a grassy field; to require a gravel parking surface and marking of parking aisles and stalls would have an adverse effect on the Property and the area. The Applicant’s proposal to park two cars at angles at the public road end of the parking area for others to follow; to leave the parking area aisles and stalls as an unmarked, grassed area; and provide parking for 42 cars on the other side of the road and 9 on the event side for a total of 51 parking spaces, as opposed to the 66 plus spaces under the Section XVB 3 Schedule, by providing shuttle service for guests to and from area hotels and inns, permits a more practical and economical development and preserves a natural resource while protecting public health, safety and welfare and does not have the effect of nullifying the intent and purpose of the Comprehensive Plan or UDRO.

Julie pointed out that this venue requires that reserved timeslots. The venue is expected to operate weekends and holiday periods during the proposed winter timeframe: January, February, and possibly March 2023.

The Board noted that, with the above waiver in mind, in order to use the lot that was previously approved for the Mountain House (Application 17-237) on a day other than a weekend, another application would be required.

The Board expressed concern with snowbanks and possible parking overflow on the Sunday River Road, as well as concern for the possible risk the ice castle may have on the historic covered bridge in the event of a flood. It was noted that there is a 75’ setback from the stream required by NRPA. It was also noted that Lot R-13-25 is in a floodplain, and therefore, a Flood Hazard Development Permit would be required.

Lester asked about a pre-application process and was directed to the Preliminary Meeting section outlined in the UDRO.

The CEO noted that the application and supporting materials would need to be submitted to the Town by Oct 19<sup>th</sup> to be on the Nov 2<sup>nd</sup> Planning Board meeting agenda.

**b) Findings of Fact for Sunday River Daycare Expansion:**

**Ted moved to amend the Findings of Fact on the eighth line down replacing the title “Zoning District” with “Growth Management District”. Gootsch seconded the motion, and the motion passed unanimously.**

**Ted moved to accept Findings of Fact and Conclusions of Law for Sunday River Skiway Corporation Daycare Expansion as amended. With Bruce seconding, the motion passed unanimously.**

The amended Findings of Fact will be brought to the next meeting for signing.

**Open Discussion**

- a) **Campgrounds:** Ted reported that the Selectboard met last night (Oct 4) and agreed to form a committee to review where campgrounds should be permitted in the Table of Land Use in the Growth Management Districts. Gary Wight will represent the Selectboard. A Planning Board member needs to volunteer to join the committee as the PB representative; Ted is hoping to not be that person. Bruce offered, reluctantly, to do it. Brooks Morton has volunteered to be one of three residents, but still needs to be appointed to the committee by the Select Board. Joelle expects the committee meetings to be held around 5pm since committee members have daytime jobs.

**Ted moved that Bruce Pierce represent the Planning Board on the Campground Growth Management District Review Committee. Gootsch seconded, and the motion passed unanimously.**

Ted will draft an announcement to be posted on the Town’s website and post office soliciting volunteers from the citizens at large to serve on the committee. There can be up to three residents on the committee. The timing as to when the Selectboard will appoint the committee members is TBD.

The group discussed the questionnaire that Ted created. Ted noted the two courses he envisioned:

- 1) The Board would develop some Land Use Standards in regards to campgrounds, regardless of what district(s) they end up in. That is what Ted’s questionnaire is mostly about – to get the Board thinking about what measurements and restrictions should be included in those standards. The concept of buffers (whether to the road and/or to abutters) is important to include in the Land Use Standards.
- 2) The Committee would slowly review in which Growth Management District (or Districts) a campground should be allowed, as well as whether there should be any restrictions on the type of campground(s) allowed within the district(s). For example, would the Town want to allow camping in the rural district, but limit that district to only wilderness camping? Or perhaps glamping (or recreational lodging other than RVs) would be allowed in the Resort Development District, and perhaps any type of camping – including RVs – would be allowed in the General Development District. Or perhaps the Town may choose to prohibit RVs and/or yurts, period.

Discussion topics included what the State allows in Shoreland Zoning as well as whether private camping in a resident’s backyard should be regulated. In her experience with other towns, Joelle cautioned Newry about non-profit campgrounds (or not-for-profit campgrounds) not being taxed.

Ted offered to start drafting some Land Use verbiage with the idea that eventually a version of that is what would be recommended to the Town as a new subsection in the UDRO. With no agenda items for the next meeting, the Board can use that time as a workshop to continue work on drafting the proposed standards.

**Next Meeting** – Wednesday, October 19, 2022

**Adjournment** Bruce moved to adjourn the Planning Board meeting of October 5<sup>th</sup>, 2022; Ted seconded. Motion passed with all voting in favor. The meeting adjourned at 7:33 PM.