

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, February 1, 2023**  
**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.

**Current Attendance/Quorum:** The Chair took attendance. With all members present, the presence of a quorum was confirmed.

**Prior Attendance/Voting Eligibility:** The members who were absent from the last meeting confirmed that they listened to that meeting's recording and, therefore, all members are eligible to vote tonight.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes. **Ted moved to accept the minutes of the Planning Board meeting on Wednesday, January 18, 2023, as drafted. Bruce seconded.** With no discussion, the motion passed with all voting in favor.

**Business**

a) **Proposed UDRO Edits:** Ted provided the Board with a document detailing 8 written motions for proposed edits to the Unified Development Review Ordinance (UDRO). Ted noted that he would like to change procedure and make the motion first and then follow each motion with discussion.

**Ted moved to amend the UDRO by editing Section 1.D.5.f., as follows: Change the existing reference to Section 8.A.B. to read Section 13.AB.** In discussion, Ted explained that Section 8.A.B. is Administrative Procedures and has nothing to do with exemptions for Home Occupation, and that the section being referenced, Home Occupations, is in Section 13. AB. **Gootsch seconded.** With no further discussion, **the motion passed unanimously.**

**Ted moved for the Planning Board to amend the UDRO by editing Section 5.E., as follows: In the last sentence of 5.E., change the reference Section 8.R. to read Section 13.R.** In discussion, Ted noted it was for the same reason as his previous motion, these are housekeeping edits to clean up the UDRO. After the Board looked through the UDRO to confirm the proposed change, **Bruce seconded the motion.** With no further discussion, **the motion passed unanimously.**

**Ted moved that the Planning Board amend the UDRO by inserting the following definition to Section 24, Definitions:**

**Recreational Lodging Facility – A facility which primarily caters to users who engage in recreation activities that are primarily natural, resource based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, outdoor education institutions and campgrounds. These facilities contain campsites of temporary or permanent structures including, without limitation, tents, recreational vehicles, cottages, cabins, yurts, and other types of shelter which are used or rented for sleeping purposes by tourists, transients, students, staff, organization members, or their visitors.**

**Recreational Lodging Facility include, but is not limited to, any facility that is regulated by the State of**

**Maine Department of Health and Human Services (DHHS) Rules Related to Campgrounds (10-144 CMR 205).**

**Recreational Lodging Facility include, but is not limited to, any facility that is regulated by the State of Maine Department of Health and Human Services (DHHS) Rules Relating to Youth Camps, Primitive, and Trip Camping (10-144 CMR 208).**

**Recreational Lodging Facility does not include hotel, motel, home occupation bed and breakfast, Individual private campsites, recreational facilities, residential dwelling units, nor the rental of a residential dwelling unit nor of rooms in a residential dwelling unit.**

The group discussed some of the wording noted in the written motion as distributed. Following discussion, the only edits were a few grammatical changes (i.e., include/includes). **Ted amended his motion by adding an “s” at the end of the word “include”, so the first sentence of the two middle paragraphs reads: “Recreational Lodging Facility includes, but is not limited to”. Bruce seconded the motion as amended, and the motion passed unanimously.**

**Ted moved that the Planning Board amend the UDRO by inserting the following definition to Section 24, Definitions:**

**Recreational Lodging Facility Unit – Individual campsites within a recreational lodging facility.**

Following discussion, **Ted amended his motion by removing the “s” from “campsites” to read: Individual campsite within a recreational lodging facility”. Bruce seconded the motion as amended, and the motion passed unanimously.**

**Ted moved for the Planning Board to amend the UDRO by inserting the following definition to Section 24, Definitions:**

**Primitive Campsite – A recreational lodging facility unit in an undeveloped section of the recreational lodging facility with no facilities or amenities such as water, electricity or toilets/showers, where campers are expected to leave little or no evidence of human visitation.**

The group discussed pit privies and decided to add clarification regarding pit privies to the motion. It was also noted that a sentence stating that a primitive campsite shall be serviced by one or more permitted pit privies should be included in performance standards. Following discussion, **Ted amended his motion inserting “with the exception of pit privies” to read: “...such as water, electricity or toilets/showers, with the exception of permitted pit privies, where campers are expected...”. Bruce seconded the motion as amended, and the motion passed unanimously.**

**Ted moved that the Planning Board amend the UDRO by editing the following definition in Section 24, Definitions:**

**Campground.**

**Delete the current definition which reads as follows:**

**Any area or tract of land to accommodate two (2) or more parties in temporary living quarters including, but not limited to, tents, recreational vehicles, or other shelters, for which a fee is charged.**

**And replace it with:**

**See recreational lodging facility.**

Following discussion, **Bruce seconded the motion. The motion passed unanimously.**

Ted moved for the Planning Board to amend the UDRO by replacing Section 13.Q., Reserved, with the following:

### **Recreational Lodging Facilities**

#### **1. Applicability**

- a. Where a recreational lodging facility takes place in a shoreland zoning district, the provisions of the Shoreland Zoning Ordinance apply and the more restrictive of the two shall govern.
- b. When a recreational lodging facility is reviewed by the Planning Board Site Plan Review, approval in accordance with this Section is required.
- c. All new recreational lodging facilities must be developed in conformance with the standards of this Section. Non-conforming recreational lodging facilities must abide by Section 23 of this Ordinance.
- d. If two or more recreational lodging facilities are located on abutting parcels, and are under unified or affiliated ownership or control, they shall be deemed to be one recreational lodging facility for purposes of this Section.
- e. Recreational lodging facilities must conform to the minimum requirements imposed under State licensing procedures. The Planning Board's approval is conditional in the State license approval.
- f. Recreational lodging facilities must conform to the most recently adopted State of Maine Subsurface Wastewater Disposal Rules (10-144 CMR 241). This includes a pit privy servicing primitive campsite(s).

#### **2. Operating Standards**

- a. All recreational lodging facilities must be inspected annually by May 1<sup>st</sup> and if found to be in compliance with all applicable Newry Ordinances, issued a permit by the Code Enforcement Officer.
- b. Each recreational lodging facility unit shall be provided with a trash receptacle thirty gallons or larger.
- c. Each recreational lodging facility unit and/or any common area equipped with a fire pit shall be equipped with a smokeless fire pit, the construction of which must be approved by the Code Enforcement Officer.
- d. A facility manager must be on the premises twenty-four (24) hours a day when the recreational lodging facility is in operation.
- e. Quiet hours must be enforced between 10:00 PM and 7:00 AM.
- f. A recreational vehicle may not be rented, leased, or occupied for more than two (2) weeks consecutively from November 1<sup>st</sup> through May 1<sup>st</sup> unless the recreational vehicle is connected to a permanent sewage, water, electricity, and heat that will meet State and local codes. During this period, renewal of any occupancy in the recreational vehicle may not occur unless there is at least one (1) week of non-occupancy.
- g. Recreational vehicles at individual recreational lodging facility units shall not have permanent foundations and shall not have the wheels removed.
- h. A tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a storage area on the premises of the recreational lodging facility provided that the device is not utilized or inhabited while located within the storage area. Recreational lodging units may not be used as a storage facility.
- i. Staff housing may not be used as a recreational lodging facility unit. See Section 13.Q.3.c.ii. below.

#### **3. Land Use Standards**

- a. **Minimum Site Size** – the minimum site size for a recreational lodging facility shall be ten (10) acres.
- b. **Density**
  - i. The maximum density for a recreational lodging facility shall be one (1) unit per five thousand (5,000) square feet of suitable land area except for primitive campsites which shall be ten thousand (10,000) square feet.

- ii. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- c. **Maximum Number of Units**
  - i. The maximum number of units used as sleeping accommodations in a recreational lodging facility, excluding staff housing for the facility, shall be fifty (50) units.
  - ii. The Planning Board may permit reasonably necessary staff housing as an accessory use to a recreational lodging facility. Staff housing must be designated on the Site Plan Application and may not be used as a recreational lodging facility unit,
- d. **Minimum Setbacks – A unit of a recreational lodging facility shall meet the following setback requirements:**
  - i. At least one hundred (100) feet from the center line of any public street or highway and twenty-five (25) feet from the edge of the right-of-way or a road providing access to the unit.
  - ii. At least fifty (50) feet from the property line of abutting properties.
  - iii. At least one hundred (100) feet from the normal high-water mark of a great pond, river, stream, brook, or upland edge of a wetland.
  - iv. The areas intended for placement of utility and service buildings, and accessory uses associated with camping activities such as fire pits, clothes lines, and picnic tables shall be set back a minimum of fifty (50) feet from the exterior lot lines, one hundred (100) feet horizontal distance from normal high-water line of a great pond, river, tributary streams, or the upland edge of a wetland.
- e. Any recreational lodging facility unit that consists of a temporary or permanent structure such as a yurt, cabin, cottage, and other types of shelter shall not be placed within a floodplain.
- f. **Visual Buffers – Recreational lodging facilities shall be screened from all abutting areas according to the performance standards in Section 13.AA.**

During discussion, Ted explained the reasoning behind various sections. Lengthy discussion ensued regarding item 2.f. of this motion; the Board wanted to be sure that recreational vehicles be used correctly. It was suggested that May 1<sup>st</sup> (in item 2.f.) be changed to April 30<sup>th</sup>, which would allow the two operating periods to be distinguished as November through April and May through October. The group discussed converted school buses and tiny homes, which by State definition are not considered recreational vehicles. It was decided that verbiage to include vehicles converted into a habitable space would be added to this section, and a definition for tiny homes would be added to Section 24. Regarding item 2.i., it was decided that the word “below” would be removed. It was decided that another paragraph would be added (3.b.iii.) regarding land with a gradient (or slopes) no greater than 15%.

Following discussion, **Ted withdrew this motion, which was not seconded**, and stated that he would work on edits as discussed.

**Ted moved for the Planning Board to amend the UDRO by editing Section 13.G., Erosion and Sedimentation Control, as follows:**

**In subsection 13.G.2., in the first sentence, change “Planning Board” to read “Code Enforcement Officer”.**

**In subsection 13.G.2., in the last sentence, change “Maine Erosion and Sediment Control Handbook for Construction Best Management Practices” to read “latest edition of Maine Erosion Control and Sediment Control Best Management Practices (BPMs), Manual for Designers and Engineers.”**

Following discussion, **Bruce seconded, and the motion passed unanimously.**

- b) **Decide if Board wants UDRO campground edits on Town Warrant for 2023 Town Meeting or wait for 2024:**  
Following discussion, **Ted moved that the Board delay any edits to the UDRO to be considered at Town Meeting in 2024 at the earliest. Gootsch seconded, and the motion passed unanimously.**

### CEO Reports

- a) Joelle reported that she has been working with an older subdivision that was approved in 2006 – just getting the fire pond up to date and an erosion report from an engineer as required by this subdivision’s Findings of Fact. Joelle clarified that they are waiting until spring so they can see the road and the pond more clearly. The owner has been communicating well with her, and she added that this owner, as well as another closer to the town line, have been diligent in their work ethic. They didn’t get everything accomplished this past fall as they’d hoped; however, they are open to communication, which she appreciates.

### Open Discussion

- a) The group discussed researching approved subdivision applications (completed or dormant) in the Town to clarify various deadlines, phasing schedules (if applicable), etc. A spreadsheet will be created to track the deadlines and to allow the Town to notify developers, as needed, when their deadline is close or has passed. Any enforcement issues found during this research will be brought to the attention of the Town’s Selectboard.

Joelle also recommended that the definition for “infrastructure” be added to the UDRO, since applications are required to have the “infrastructure” complete by a certain timeframe.

- b) Joelle distributed copies of a Subdivision Amendment application for Chase Hill subdivision to each Board member to review for discussion at the Board’s next meeting.
- c) Ted noted that he has begun working on proposed standards for Board to consider regarding telecommunication towers.

Next Scheduled Meeting – Wednesday, Feb 15, 2023

Adjournment Ted moved to adjourn until February 15<sup>th</sup> at 6:00; Bruce quickly seconded, and the motion passed with all voting in favor. The meeting adjourned at 7:50 PM.

APPROVED