

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, April 19, 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)

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

Members/Staff Absent: Randy Akers (Alternate)

Call to Order: Chairman John Gauthier called the meeting to order at 6:03 PM.

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

Prior Attendance/Voting Eligibility: Gootsch stated that he listened to the recording of the April 5th meeting, and therefore, all present members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. Following some discussion, **Ted moved that the minutes of the Board's previous meeting on Wednesday, April 5th, 2023, be accepted as written. Gootsch seconded.** With no further discussion, **the motion passed with all voting in favor.**

Business

- a) **Con't Discussion -- Barker Mountain Express Replacement Ski Lift Doppelmayr 6-place lift, terminal enclosures and attached maintenance building, R-12/25 & 26 and R-13/32 & 34 – Application # 23-276:** As the Chair opened this agenda item up for discussion, Ted noted that at the previous meeting a few items were tabled for discussion at this meeting. Those tabled items are Conditions of Approval as well as, under Criteria for Approval, subsection K (Ground Water), O (Storm Water), and U (Conformity with Local Ordinances and Plans) were tabled. Ted stated that he had seven proposed conditions of approval to be presented prior to the Board's review of the tabled Criteria for Approval items.

Ted moved that the Board include the following as a condition of approval: Applicant will ensure proper concrete washout procedures are followed as per Maine Erosion and Sediment Control Best Management Practices (BMPs), Manual for Designers and Engineers, Section A.6. Following discussion, **Gootsch seconded. The motion passed unanimously.**

Ted moved that the Board include the following as a condition of approval: Applicant will provide the Town of Newry a copy of each five-year recertification of long-term maintenance of stormwater management system for site locations and stormwater projects submitted to the Maine Department of Environmental Protection. Following discussion, **Bruce seconded. Ted voted in favor; Gootsch and Bruce voted opposed. The motion does not pass.**

Ted moved that the Board include the following as a condition of approval: Applicant will conduct a highway traffic study during the winter of 2023/2024 which will include, at a minimum, Sunday River Road, Skiway Road, and Monkey Brook Road. The study will include high-traffic-volume weekends and meet the standards set by Maine DOT. Following discussion, **Bruce seconded. The motion passed unanimously.** The applicant noted for the record that the applicant and his team has reviewed the ordinance and don't feel that there is any basis for this condition in the ordinance for requiring Sunday River to fund the traffic study. They are agreeing to fund Sunday River's portion of this study in an effort to move the application forward since there are labor and supply chain issues; however, they wanted to clarify that do not want this to set a precedent for future conditions of approval on other applications. The applicant noted that there is an appeals procedure in the UDRO and if they

were to appeal, they would abide by the appeals procedure. Further discussion ensued. Joelle noted that she, the Town Administrator and Sunday River's Resort President had a meeting after the last Planning Board meeting, and they discussed creating a corridor management committee made up of representatives of the Towns of Newry and Bethel, the Maine DOT, and Sunday River because future expansion of the resort is expected. She stated that the Newry Select Board talked about this proposal and that she and Retta are working with AVCOG to see what is involved in creating such a committee. Joelle clarified that Town of Bethel and MDOT have not yet been contacted.

Ted moved that the Board include the following as a condition of approval: The width of the berm depicted on drawing #4 of the application and titled Stormwater Basin Details will be four feet. Discussion ensued, and the applicant showed that this change has been implemented on the drawing. **Ted withdrew his motion.**

Ted moved that the Board include the following as a condition of approval: The installation of a ball valve with a valve box in Note #6 on Drawing #3 of the application and titled Top Terminal Site Plan is required. Following discussion, **Gootsch seconded**, and with no further discussion, **the motion passed unanimously.**

Ted moved that the Board include the following as a condition of approval: The spillway detail, drawing #4 of the application and titled Stormwater Basin Details, shall have an impermeable barrier such as pressure treated wood or concrete added within the riprap to prevent flow through the riprap below the spillway invert elevation. Following discussion, **Bruce seconded**, and with no further discussion, **the motion passed unanimously.**

Ted moved that the Board include the following as a condition of approval: After construction is complete, the applicant will provide proof that the stormwater release complies with Maine DEP requirements of 24 to 48 hours. Ted added that this condition is being made per Gorrill Palmer's memo dated April 19th, paragraph 4. Following discussion, **Gootsch seconded**. During further discussion, the Board reviewed the Ordinance and decided that this falls under Section 6.A.2. in regards to The Inspecting Official. **The motion passed unanimously.**

K. Ground Water – Ted moved that Section 5 subsection K, Ground Water, is not applicable. Bruce seconded and the motion passed unanimously.

O. Storm Water – Ted moved that given the conditions of approval that have been voted on by the Board tonight and passed, that subsection O of Section 5, Storm Water, has been met. Bruce seconded. With no discussion, the motion passed unanimously.

U. Conformity with local Ordinances and Plans – The Board proceeded to review the Table of Land Uses in the UDRO – line item 24, Commercial Recreation. **Gootsch moved that this proposed development conforms with the duly adopted land use plan. Ted seconded. With no discussion, the motion passed unanimously.**

Ted moved that the Board table Application # 23-276 awaiting final approval from DEP and review of that approval by the Planning Board's consultant, Gorrill Palmer, and bring this back up at the Board's next meeting. Bruce seconded, and the motion passed unanimously.

The Board needs to receive DEP's written decision in time for Gorrill Palmer to review prior to the next meeting.

For the record, Sunday River provided check # 84424 in the amount of \$5,500 for the Performance Guarantee.

- b) **Con't Discussion -- Sunday River Skiway Corp, Map R17/Lot 1 and R13/Lot 13. Construction of new lift at Merrill Hill R-17/2A3 (no tax data for this lot; it is combined with R-17/1) – Application #23-275:** Peter noted that the application and supporting documents submitted for tonight's meeting address items brought up by the Board at the last meeting when this application was discussed (March 15th). Peter stated that he is hoping the Board can review this revised application in terms of completeness tonight or as soon as possible before discussing criteria

for approval. Peter stated that the application includes a memo addressing the comments made, which did not result in changes to the application.

Check # 83885 in the amount of \$2500 was received from Sunday River for the escrow account for third-party review of site permit #23-275.

Gootsch moved that, considering this documentation was given to the Board today, and the Board has not had the time to digest it, the Board table review of this document until the Board's next meeting. Ted seconded. The motion passed unanimously.

- c) **Change in meeting time – The Board and CEO discussed changing the meeting time to 6:30pm to allow the Alternate member, Randy Akers, to attend the meetings. As a side note, when Randy joined the Board, the meeting time was 7pm. Bruce moved that the Board move the Newry Planning Board meeting from 6pm to 6:30pm moving forward as of this date on the first and third Wednesday of each month. Gootsch seconded, and the motion passed unanimously.**

CEO Reports

- a) The CEO and the Board talked about escrow accounts for the two Sunday River applications, and the checks that were received at tonight's meeting. It was noted that the third-party inspector gave the Town an estimate for each inspection including travel time, inspection, and report: between \$1,100 to \$1,600. It was noted that for the Barker lift, the inspections could be every other week, every week for a period of time, or perhaps every 3 weeks during some phases; Joelle noted it would be a moving target.
- b) Joelle noted that in regards to the Locke Summit, the Bethel side has sold. The sale of the Newry side is not yet finalized. Joelle stated that she is not ready to disclose the developer's name at this point but added that it is available at the Registry of Deeds if anyone is interested in looking it up.

Open Discussion

- a) Joelle stated that since the Town has some money in their budget, she is having the experts review the UDRO. The Shoreland Zoning Ordinance was just recently adopted, is probably following the state mandated Shoreland Zoning, and therefore, should not need review at this time. Joelle is planning to work with a third-party inspector either AVCOG (now that they have a Land Use Planner), or Ben at North Star to review the ordinance and look for deficits, flow, etc. This is just an FYI for the Board; the review is not something the Planning Board needs to approve. The third-party inspectors will come up with proposed changes, which will come before the Planning Board and the Select Board before being put before the Town's residents to be voted on.

The group also discussed the possibility of separating the UDRO into multiple ordinances – site plan, major subdivision, minor subdivision, cluster development, etc. (and separate applications). Joelle noted that most of the towns she works in use separate ordinances; Newry is the first Town she's found where these ordinances are all combined.

Next Scheduled Meeting – Wednesday, May 3rd, 2023, at 6:30pm

Adjournment Ted moved to adjourn this meeting of the Newry Planning Board and reconvene at the new time of 1830 hours or 6:30 pm on May 3rd, 2023. Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 7:45 PM.