

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, June 7, 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 6:30 PM.

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

Prior Attendance/Voting Eligibility: With Randy being the only member absent at the last meeting, all full Board members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. The Recording Secretary noted that before the start of tonight's meeting Ted pointed out to her that there was a typo in the bottom paragraph on page 1 - "the applicant as asked for his opinion", should be "was asked". **Bruce moved to approve the minutes of the Wednesday, May 17th, Planning Board meeting as amended. Ted seconded. With no discussion, the motion passed unanimously.**

Public Hearing Minutes: The Board reviewed the minutes of the May 17th Public Hearing on Sunday River's Merrill Hill application 23-275. **Ted moved to approve the minutes of the Public Hearing held on Wednesday, May 17th, 2023, as drafted. Bruce seconded. With no discussion, the motion passed with all voting in favor.**

Business

A. **Con't Review -- Sunday River Skiway Corp, Map R17/Lot 2A3 and Map R13/Lot 13. Construction of new lift at Merrill Hill – Application #23-275:** The Chair noted that the Board received a couple of letters from Sunday River. Following discussion, it was decided that the letters be attached to tonight's minutes.

Ted moved that correspondence that the Board received from Sunday River – a memorandum addressed to the Chair, John Gauthier, from Peter Roberts, Professional Engineer for Sunday River Skiway Corporation, subject: Merrill Hill Application 23-275 Public Hearing Comments, dated May 30, 2023; along with the addendum to memorandum which is a separate memorandum addressed to the Newry Planning Board from Joe Aloisio Jr., Professional Engineer, dated May 26, 2023 regarding Snowmaking Runoff – be attached to the minutes of this meeting. Bruce seconded the motion. In discussion, the Chair noted that Peter Roberts pretty much addressed all the topics raised during the Public Hearing. The group discussed the snowmaking runoff memorandum, and Peter explained assumptions and conclusions made in the reports for snowmaking snow melt runoff, which were done by a hydrogeologist in Vermont. Following discussion, the motion passed unanimously.

The Board recapped the actions taken on this application thus far. It was noted that the Board reviewed the Criteria for Approval for this application at the last meeting, and 3 subsections were tabled: 1) Erosion, 2) Stormwater, and 3) Conformity to all local ordinances and plans. Also in previous meetings, the applicant's request for a waiver was reviewed; requesting to waive the requirement to have all State and Federal permits issued and in hand prior to the Board's approval – that request for waiver was voted down. Ted pointed out that the time limit of 30-days following the Public Hearing for the Board to approve, approve with conditions, or deny

this application ends next week. Therefore, by the end of this meeting, the Board must approve, approve with conditions, deny, or if the applicant agrees, the Board can extend the 30-day period to a mutually agreeable time.

The Board discussed the Gorrill Palmer document dated June 1, 2023, concerning the Merrill Hill Project.

The Board proceeded to review the remaining Criteria for Approval.

- B. Erosion** – It was noted that the applicant has sufficiently responded to the notes regarding erosion from Gorrill Palmer, the Town will have a third-party inspector reviewing this project, Tom Ketchum of Mahoosuc Glen HOA spoke about the HOA’s efforts to find an engineering firm to help understand what its stormwater drainage implementation is and assess the data from Sunday River; the HOA has hired Gorrill Palmer. Tom noted that the HOA does not object to the project; they just want to do their due diligence. Following discussion, **Ted moved that Section 5 subsection B, Erosion – the proposed development will not cause unreasonable soil erosion or reduction in the land capacity to hold water so that a dangerous or unhealthy conditions results – has been dutifully reviewed and met by the applicant. Gootsch seconded. The motion passed unanimously.**
- O. Storm Water** – It was noted that the applicant sufficiently responded to the notes regarding Storm Water from Gorrill Palmer. Following discussion, **Gootsch moved that item O, Storm Water, has been met. Bruce seconded. The motion passed unanimously.**
- U. Conformity with Local Ordinances and Plans** – Since the applicant has not yet received approval from DEP, and since the applicant’s request for a waiver was denied, the applicant requested that approval timeline of this application be extended to June 21st. **Whereas the applicant has requested that the Board extend the deadline of the final review of this application beyond the 30-day mandated by the UDRO following the Public Hearing, and has requested that it be extended to the 21st of June, Ted therefore moved that the Board grant that request for extension to the applicant. Bruce seconded. The motion passed unanimously.**

The Chair read aloud, for the record, a letter he received from Bambi Baker regarding notes from the May 17th Public Hearing. During the reading, it was discovered that this letter was already read aloud by Bambi at the Public Hearing. Therefore, this letter is already on record.

This item will be added to the next meeting agenda.

CEO Reports

- a) **Review of the Expert Review, Inspection, and Performance Guarantee monies held in escrow for Sunday River applications 23-276 (Barker Chair Lift Replacement) and 23-275 (Merrill Hill Chairlift and trails project):** Joelle noted that the Town Office is not able to pull reports from Trio, the accounting program that the town currently uses. The Town Office is contacting Trio in hopes of learning how to run these reports. If all else fails, an Excel spreadsheet can be created to track these escrow monies.

Open Discussion

- a) **Con’t discussion on Section 5 and Section 13 of the UDRO for application review coordination:** Joelle noted that she has not had time to work on this with the spring building season coming up and with the review of the current applications. She is keeping this on the agenda so the Board can talk about it when time allows.
- b) **Watershed study:** Joelle spoke of an email from Gorrill Palmer responding to a request from the Town as a result of the recent Public Hearing, and the concerns brought up regarding stormwater flows. Joelle noted that this would require going all the way back to looking at files from Jordan Bowl. This would involve a manual search of records that would take many months to get the DEP permits and plans out of the archives. Therefore, the Town has decided not to move forward with the review of 25-year-old stormwater permits for this watershed study.

c) Joelle noted that she has not received any new applications for review at the Board's next meeting.

Next Scheduled Meeting – Wednesday, June 21, 2023 – 6:30pm

Adjournment Ted moved to adjourn the Wednesday, June 7th, 2023, meeting of the Newry Planning Board. Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 7:45 PM.

APPROVED