

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, June 21, 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:

Members & Staff Absent: Joelle Corey (Code Enforcement Officer)

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

Current Attendance/Quorum: The Chair took attendance and confirmed the presence of a quorum. He noted that Randy Akers, the Board's alternate, has resigned.

Prior Attendance/Voting Eligibility: With no recent absences, all members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Bruce moved to accept the minutes of the previous Planning Board meeting, Wednesday, June 7th, 2023. Ted 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:** Peter Roberts distributed copies of the approved Maine DEP permit that he received earlier today. The Board proceeded to review the permit and noted that the project cost had increased significantly than what was submitted on Peter's application – the project was estimated to cost \$2 million per earlier documents submitted to the Board; however, the DEP Permit shows the estimate at \$20 million. It was thought that the amount on the DEP permit was an error leftover from a previous permit – probably the Barker 6 chairlift. Following the review of the DEP permit, it was noted that as of the last Planning Board meeting there was one Criteria for Approval that remained outstanding for this application. The Board proceeded to address that one outstanding Criteria:

U. Conformity with Local Ordinances and Plans – Ted moved that the Board finds that Application 23-275 conforms with local ordinances and plans as per the Unified Development Review Ordinance section 5.U. Bruce seconded the motion. During discussion, it was noted that the only thing pending was the outstanding State DEP permit, which has now been submitted to the Board. The motion passed unanimously.

Ted moved that whereas the applicant does not have any outstanding violations of the Unified Development Review Ordinance known as the UDRO; whereas the applicant has proven receipt of all Federal, State, and other required permits; whereas the applicant has met the performance guarantee requirements contained in the UDRO; whereas the Newry Planning Board has designated the engineering firm of Gorrill Palmer as the third-party Inspecting Official responsible for the inspection of infrastructure improvements, erosion controls and stormwater management structures; whereas the following Conditions of Approval are to be documented on the Final Plan:

- 1. 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. and Maine DEP Chapter 500 Housekeeping Standards.**

2. Applicant will provide the inspecting official proof that excavation contractors are certified in erosion and sediment control by the Maine DEP as per the Unified Development Review Ordinance for the Town of Newry (UDRO) Section 13.G.1.
3. Weekly inspection reports as well as before and after storm event reports, as required per the Erosion Control Notes, will be forwarded by the applicant to the Inspecting Official.
4. Upon completion of construction, all entrances off Monkey Brook Road are to be adequately blocked from daily access by the placement of large, immovable objects.
5. Applicant will not build any entrances off Monkey Brook Road without first obtaining approval from the Newry Planning Board.
6. Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.
7. Applicant shall retain the design engineer or other qualified professional engineer to oversee the construction of the stormwater Best Management Practices (BMPs).
8. Within 30 days from completion of the entire system, the applicant shall submit as-built plans of the project and a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the Town of Newry.

Ted, therefore, made the motion that the Newry Planning Board grant final approval with conditions to Sunday River Skiway Corporation, Map R17 Lot 2A-3 and Map R13 Lot 13 Merrill Hill Chairlift #2 and New Trails, Application #23-275. Bruce seconded the motion, and the motion passed unanimously.

The Board proceeded to sign the final plan. During which, Dana Bullen, the Resort President, spoke about the lessons he learned during this process, noted that Sunday River's relationship with the Town has changed for the better, expressed how impressed he was with Peter's patience and professionalism, and thanked the Board (and Peter) for their time and energy.

Bruce took a moment to thank fellow Board member, Ted, for his knowledge and the all the work and research he has done during the review of these recent applications. Gootsch added that he, too, appreciates all Ted's assistance.

It was noted that a Findings of Fact will be prepared for review at the next Planning Board meeting.

Open Discussion

- a) UDRO and Land Use & Building ordinances update – Since the CEO is not present, no discussion took place.
- b) The Board discussed cancelling the July 5th meeting since there are no agenda items and both Bruce and Joelle will be out of town. **Bruce moved to cancel the Planning Board meeting of July 5th and have a meeting on July 19th. Ted seconded, and the motion passed unanimously.**
- c) It was noted that the July 19th agenda will need to include the election of officers. Bruce was asked if he was planning to renew his membership on the Board. Bruce stated that, yes, he plans to do so and will send Retta an email letting her know that he would like to continue serving on the Board.
- d) Ted noted that one guy expressed interest in joining the Board as an Alternate; however, he cannot serve on the board since he is not a U.S. Citizen.
- e) Ted noted that the escrow accounts are in good shape. Ted was told that a report from Trio was not possible; but he is still researching this. Ted noted that Sunday River will need to replenish the inspection escrow account for Barker 6 frequently due to the small dollar value of the improvements at Barker.

Next Scheduled Meeting – Wednesday, July 19, 2023

Adjournment: Ted moved to adjourn the June 21st meeting of the Newry Planning Board and reconvene at the Town Office at 6:00pm on July 19th, 2023. Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 6:30 PM.

APPROVED