

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, August 2, 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), Ted Baker (Secretary)

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent: Bruce Pierce (Board Vice Chair)

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: With no recent absences, all members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Ted moved to accept the minutes from the previous meeting as written. Gootsch seconded. With no discussion, the motion passed with all voting in favor.**

Ted moved that the Board amend the agenda and move Section 5, Reports, up to and before Section 4, Business. Gootsch seconded, and the motion passed unanimously.

CEO Reports

- a) **Barker Chairlift project:** Joelle reported that she has received the erosion control reports for the Barker Chairlift project, and they are finding and addressing the issues with all the recent rain. The on-site excavators are Pratt & Everette; Pratt is working on about half of the site and Everett is handling the other portions. For the bottom terminal, concrete is in steel for the frame is flying. The top terminal is just still concrete and rebar work. Joelle has photographs showing the washout stations are in. Carson, Peter's Assistant Engineer, is doing the erosion control inspections and filing the reports. Gorrill Palmer has not been back up there yet since the stormwater catch-basin construction is not underway yet, but GP is being copied on the erosion control reports.
- b) **Merrill subdivision** is done with having reports filed from the third-party inspector for the DEP. Therefore, Hawk is no sending the Town any reports now because infrastructure is complete. The third-party generally notifies DEP with their inspections are complete; Joelle will request a copy of that letter from Peter Roberts tomorrow [Aug 3].
- c) **Merrill Hill #2 lift:** Joelle reported that there has been a third-party complaint from DEP regarding the logging at this project – water running brown. This has been addressed, and there was a forester from the State of Maine has inspected the location and found that there are hay bales staked in at different drainage swales. Joelle has reviewed the reports and the photos. Joelle noted that work is being done at the first ski bridge on Morganite; she estimates that they are halfway done there.
- d) **Building Permits:** Three more building permits have been issued – not all at Merrill Hill.

Business

- a) **Continued Review of Sunday River Skiway Corp's Site Plan for Golf Storage Building at 18 Championship Drive, Map R17 Lot 2A-1:** Joe Aloisio explained he has submitted the information requested at the previous meeting including the letter of authorization, The cost estimate has been update – replacing the estimated cost of a sprinkler system with the estimated cost of a fire hydrant.

Discussion ensued in regards lithium batteries. The applicant confirmed that most of the golf carts at the Sunday River Golf Course run on lithium batteries and noted that a training program is being put in place to train staff on how to handle the lithium batteries to prevent damage and reduce the risk of fire. This training will be in place before the building is built.

Joe spoke about the hammerhead turn-around that was added to the plans for the fire trucks. The group discussed the possibility of having the fire department do a pre-action plan, and the possibility of adding this as a condition of approval.

Ted moved that Application 23-277 is complete. Gootsch seconded, and the motion passed unanimously.

Ted moved that a site visit is not required in regards to Application 23-277. Gootsch seconded, and the motion passed unanimously.

Ted moved that a public hearing need not be held for Application 23-277; this is a minor project and no interest or inquiries have been received from the public, and since this project included a DEP permit, it was advertised in the local newspaper in September 2022. Gootsch seconded, and the motion passed unanimously.

Ted moved that in view of the fact that the cost for infrastructure improvements associated with Application 23-277 is \$0.00, and therefore, a performance guarantee will also be \$0.00, so no performance guarantee will need to be collected. Gootsch seconded, and the motion passed unanimously.

It was noted that no waivers are requested by the applicant.

Ted moved that as a condition of approval the applicant will invite the Newry Fire Dept for an inspection and training session onsite within 45 days of project completion. Gootsch seconded, and the motion passed unanimously.

The Board proceeded to review the Criteria for Approval.

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (pages 21-24)

- A. **Pollution** – It was noted that this project is not within a floodplain, and the waste disposal is going to an onsite subsurface wastewater disposal system, therefore Gootsch moved that A., Pollution has been covered. Ted seconded. The motion passed unanimously.
- B. **Erosion** – The applicant is adding a large roof, but is also adding a retention pond. Also, an erosion control plan has been submitted, therefore, Gootsch moved that B., Erosion has been satisfied. Ted seconded. The motion passed unanimously.
- C. **Traffic** – Ted moved that Section 5, subsection C Traffic under Criteria for Approval does not apply to this application. Gootsch seconded. The motion passed unanimously.
- D. **Sewage Disposal** – Ted moved that the applicant has provided a detailed plan for proper sewage disposal, and therefore the Criteria for Approval Section 5, subsection D has been met. Gootsch seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal** – Ted moved that under Section 5, Criteria for Approval, subsection E, Municipal Solid Waste Disposal, and subsection F, Aesthetic, Cultural and Natural Values, do not apply. Gootsch seconded. The motion passed unanimously.
- F. **Aesthetic, Cultural and Natural Values** – *see motion above.*
- G. **Financial and Technical Capacity** – Ted moved that the applicant has demonstrated sufficient financial and technical capacity as required by Section 5, subsection G. Gootsch seconded. The motion passed unanimously.

- H. **Sufficient Water** – This project has one bathroom, and a hose spigot or two as well as a fire hydrant, which will be supplied by a multi-million-gallon pond near the Jordan Hotel, and therefore, Gootsch moved that H., Sufficient Water has been met. Ted seconded. The motion passed unanimously.
- I. **Public Water Supply** – Ted moved that Section 5, subsection I, Public Water Supply, subsection J, Surface Waters, subsection K, Ground Water, subsection L, Flood Area, subsection M, Freshwater Wetlands, and subsection N, River, Stream, or Brook, do not apply. Gootsch seconded. The motion passed unanimously.
- J. **Surface Waters** – *see motion above.*
- K. **Ground Water** – *see motion above.*
- L. **Flood Areas** – *see motion above.*
- M. **Freshwater Wetlands** – *see motion above.*
- N. **River, Stream or Brook** – *see motion above.*
- O. **Storm Water** – The applicant has included diversion ditches and a retention pond on the plans for this project, and therefore, Gootsch moved subsection O, Storm Water, has been met. Ted seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – Ted moved that Section 5, subsection P, Spaghetti-Lots Prohibited, does not apply to this application. Gootsch seconded. The motion passed unanimously.
- Q. **Municipal Services** – Ted moved Section 5, subsection Q, Municipal Services, subsection R, Lake Phosphorous Concentration, subsection S, Impact on Adjoining Municipality, and subsection T, Land Subject to Liquidation Harvesting, do not apply to this application. Gootsch seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration** – *see motion above.*
- S. **Impact on Adjoining Municipality** – *see motion above.*
- T. **Land Subject to Liquidation Harvesting** – *see motion above.*
- U. **Conformity with Local Ordinances and Plans** – This project is in the Resort Development District, there are no known outstanding violations, and it seems to be in compliance with the Town, therefore, Gootsch moved that Section 5, subsection U, Conformity with Local Ordinances and Plans, has been met. Ted seconded. The motion passed unanimously.

Ted moved that in view of the fact that the applicant has no outstanding violations with the Town, and has demonstrated compliance with the Unified Development Review Ordinance, that the Board give the application conditional approval, with the condition being that the applicant will invite the Newry Fire Department for an onsite visit and training session within 45 days of project completion, and Ted therefore make the motion that the Board approve Application 23-277. Gootsch seconded, and the motion passed unanimously.

The Board proceeded to sign the final plans for this application (#23-277) as well as for application #23-278.

A Findings of Fact for Application 23-277 will be completed for review at the next meeting.

- b) **Continued Review of Sunday River Skiway Corp's Site Plan for 3 Valve Houses – one each at Aurora, Oz and South Ridge, Map R12 Lot 26-1:** For the record, it was noted that the review for Application 23-278 was complete and final approval given at the July 19th meeting. The only thing that was deficient was that the plans did not have a signature block nor the conditions of approval. The applicant has corrected those two deficiencies and the Board has signed the plans, and therefore Application 23-278 is complete with the exception of the Findings of Fact.

Open Discussion

- a) Meredith Harrop, who was observing in the audience, noted that she is a resident of Newry and has inquired about joining the Planning Board. She is learning about the process. Meredith noted that she has received a copy of the UDRO.
- b) Ted noted that the application form has been updated. Ted suggested that Board members log on the to Town's website to check it out. Becky suggested that copies be printed for Board members to review and discuss at the next Board meeting. Ted stated that there is also a new form for the pre-application.

- c) The Board discussed the possibility of getting back to reviewing the UDRO for suggested revisions now that submissions of applications seem to have slowed – to include small edits as well as campgrounds (which is now complete), but also solar farms and cell towers.
- d) The Board discussed the scheduling of the next meeting. **Ted moved to amend the agenda item 7, Next Scheduled Meeting”, to restate the meeting date from August 2 to August 16, and now to September 6, 2023, at 6pm. Gootsch seconded, and the motion passed unanimously.**

Next Scheduled Meeting – Wednesday, September 6, 2023, at 6pm.

Adjournment Ted moved to adjourn this meeting of the Newry Planning Board; Gootsch seconded. The motion passed with all voting in favor. The meeting adjourned at 7:16 PM.

APPROVED