

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 15, 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)

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.

Prior Attendance/Voting Eligibility: Bruce was absent from the last meeting, which was Oct 4th, but he stated that he has listened to the recording of that meeting. Therefore, all members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Ted moved to accept the minutes as drafted for the previous meeting that was held on Wednesday, October 4th, 2023. Gootsch seconded, and with no discussion, the motion passed unanimously.**

Business

- a) **Pre-Application Conference, The Pines at Sunday River Subdivision, R12 Lot 14; Main-Land Development, Shane Howley as Authorized Agent:** As a point of order, Ted noted that he had correspondence with members of the Board in the form of a memorandum dated November 15th, and asked that 1) it be ascertained that the applicant has been provided with a copy, and 2) that it be attached to the minutes of this meeting.

Shane Howley, Engineer with Main-Land Development Consultants and representative for Pines Group LLC, introduced himself as well as Ron Savage and Merek Franklin of Pines Group here to discuss The Pines at Sunday River development. Shane explained the history of the project, which was initially approved by the Planning Board in 2007. It came back before the Board in 2013 to get the original approval extended, and to get approval for dividing the project into 4 phases and assign estimated start and completion dates for remainder of the development. Building A1 and that infrastructure was constructed shortly after that approval, and additional infrastructure was roughed-in. Shane explained that their intent tonight is to get information on the next steps to get the permit extended again, and to reassign new estimated completion and start dates for the remaining phases. Pines Group intends to build Building B2 followed by D1 as soon as possible, breaking ground as early as possible. Shane noted that the project has an existing permit through DEP, which is still active and good to go. They have a preconstruction meeting with DEP scheduled for the Tuesday following this meeting.

Ron Savage, who also owns Mahoosuc Realty, explained that he built units 1 through 5 for the previous owner. It was noted that unit 1 was initially a modular unit purchased from Schiavi, but that unit was demolished and replaced with the unit built by Ron Savage and his company. Ron also managed the condominium and helped sell the units. He noted that everything was ready to go on the next building when COVID hit and slowed everything down. Ron and Merek decided to work together and purchase this subdivision with Merek building the buildings and Ron doing the earthwork. Prior to purchasing, they spoke with Joelle, the Town's CEO, and were told the Town permit was active and they met with the State and confirmed that the State permit was active. They expect after their meeting with the State next Tuesday, they will have permission – at the State level – to get started on these next two buildings. Ron stated that it is his understanding that the Town permit is valid as long as they start before December 4th. They are here looking for the Planning Board's advice on that. Ron stated that they have the financing lined up in-house and would like to get started and have concrete poured before December 4th.

Shane summarized that they are looking for advice on two parts here: 1) Are they okay to start building B2 before the permit expires on December 4th, and 2) What are the steps to extend the permit.

The Board reviewed the submitted materials prior to the meeting. The Board discussed various sections of the pre-conference application. The Board asked for clarification from the Pines attendees that they are looking to see if there is a live permit for Phase 2, and they agreed.

The developers reiterated that they believe they have a permit and are just looking for confirmation from the Board; they added that the State has confirmed that their permit is active.

Ron confirmed that the development has changed ownership; stating that he and Merek purchased it from the original developers two weeks ago.

Ted noted that 1) the infrastructure is not yet complete, and 2) the phasing plan is vague and the UDRO states that construction must start within 2 years of approval. Therefore technically, the construction should have been making progress. Ted also noted that there have been several revisions to the UDRO since this application was approved, and there are several items of the project that are not in compliance with the current UDRO standards – performance guarantees, etc. Therefore, he would like to see a new application submitted, and not extend the current application.

Following a lengthy discussion amongst the developers and the Board, the Board stated that the question as to whether the developers can move forward on the current approval is a decision that should be made by either the Code Enforcement Officer and/or the Board of Selectmen. Ted added that the new owner would need to provide proof of financial viability to complete the project per Section 3.H, Permit Transfers, in the UDRO.

Ted spoke about the memorandum he provided, which details the areas of this project that would need to be brought up to current UDRO standards and noted as such in the new application. He added that there is no need to “reinvent the wheel”; however, Ted would like to see the name of the old owner be replaced with the name of the new owner on the drawings.

The Pines Group and their agent will contact Joelle to see if they need to request to be added to the agenda for the next Select Board meeting.

CEO Reports

- a) Gorrill Palmer Field Observation Report dated November 3rd: Ted noted in talking with Joelle, he was told that the required infrastructure work at Barker Express Lift, and the required infrastructure work for the second Merrill Hill lift has been winterized and will be completed during the next construction season. It was decided that the Board would discuss this further when Joelle returns.

Open Discussion

- a) The Board reviewed the new **UDRO Form 10.cover page** for the Unified Development Review Application. Ted explained that Joelle wanted to get the Board’s approval before putting it on the website. The group discussed various aspects of the form. Ted explained the areas that Joelle will fill in prior to making 8 copies for the Board. It was noted that historically, the application isn’t numbered until the application fee is paid. The group also discussed the Application # tracking sheet. The Board will discuss these two items further when Joelle returns.
- b) The Board discussed coming up with the suggested amendments/corrections/edits for the UDRO and when those edits must be submitted to the Select Board for review so they can in turn send it off to the Town’s attorney in preparation for having them ready for a public hearing prior to the next Town meeting. The Town meeting is scheduled for May. Items already discussed and finalized the proposed language for the suggested Campground

section. Two other items discussed previously by the Board but not finalized were the Telecommunications/Cellular Tower section and the Solar Farm section.

- c) Gootsch asked about the status of the Julie Stevens application. It was noted that the application is dormant/tables. The Board found the application to be incomplete; therefore, no deadlines are in play yet. The applicant will need to resubmit. The applicant does not feel that it needs to go through the subdivision procedure, and they are investigating that. It was noted that the applicant has gone to Florida for the winter. It was also noted that the Board should not discuss this further without the applicant present.
- d) It was noted that Sunday River has submitted an application for a Bike Park to be reviewed at the Board's December 6th meeting.
- e) Two gentlemen who attended the meeting stated possible interest in becoming alternate members: Walter Hoffman and Rob Cates. The gentlemen asked the Board members what they do and what an alternate member would be expected to do. The Board members spoke of how the discussion earlier tonight with the Pines Group was out of the norm. Discussion ensued regarding mining, and the lithium deposit, and how the Board would review to ensure the risk to the environment is minimal. Ted summarized that the Planning Board is the protector of the community in terms of developments; it is the Planning Board's job to review a proposed development -- be it a subdivision or a business endeavor/site plan -- to ensure it conforms to the standards that the community has established in its ordinances in terms of pollution, and protecting the environment, stormwater erosion, etc. Generally, the Board would review submitted applications for major/minor subdivisions or site plans for commercial property to ensure that the proposed projects are in compliance with the standards of the Town's applicable ordinance(s). The Board spoke about the reason why they are so thorough in their review because the applicant has the option of challenging the Planning Board's decision with the Town's Board of Appeals, and could even bring their grievance to the State's Superior Court if they are not satisfied with the Appeal's decision. It was noted that the Town's ordinance can be more stringent than the State's standards; it cannot be less stringent than the State's standards.

Discussion ensued regarding the proposed Campground standard and possible Solar Farm standard. In response to Walter's question about VRBOs, Air B&Bs, etc., Ted stated there is no standard currently in the ordinance regarding short-term rentals but spoke about nuisance alarms and absentee owners. It was noted that the Town of Newry is unique in that it has less than 400 residents but has 10,000 occupants during the ski season.

It was clarified that an alternate would attend and participate in meetings, but not vote on matters unless a Board member is absent or has a conflict of interest preventing them from being eligible to vote.

The Board mentioned the Maine Municipal Association's seminars & webinars for new planning board members. MMA is a great resource for the Town and its Planning Board, as is AVCOG, Androscoggin Valley Council of Government.

It was noted that the UDRO and Shoreland Zoning Ordinance are both available online, and the meeting minutes are available to the public for review once approved.

Next Scheduled Meeting – Wednesday, December 6, 2023, 6:00 pm

Adjournment Bruce moved to adjourn the Planning Board meeting of November 15th, 2023, and reconvene on Wednesday, December 6th, at 6pm; Ted seconded. Motion passed with all voting in favor. The meeting adjourned at 7:38 PM.