

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, January 17, 2024
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), Meredith Harrop (Alternate), Rob Kates (Alternate)

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent:

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: 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 for the Dec 2, 2023, meeting as written. Bruce seconded, and with no discussion, the motion passed unanimously.**

Business

a) **Proposed UDRO Edits:** The Board reviewed the document that Ted generated showing his suggested edits.

Section 3.E. regarding phasing, suggested edits include adding "and completion" after the word "commencement" to read "commencement and completion dates" in the 1st sentence of the 3rd paragraph. It was suggested that the 2nd sentence in that same paragraph be deleted and replaced with "The Planning may agree on a phasing timeline which lasts for no more than ten years at which time all project activities must be substantially completed". Ted suggested that the Board negotiate with the developer, at the time of application review, the timelines (commencement and completion dates) for each proposed phase as well as the whole project. It was noted that projects with no phasing (subdivisions or site plans) must begin within 24 months after approval and must be complete within 18 months after the start of construction. The group discussed the definition of "substantially complete", noting that the current definition mentions 30%. Another suggested edit for Section 3.E., was to change the escrow amount from \$2,500 to \$10,000 in the 4th paragraph.

Section 6.A.1.a. regarding inspections, suggested edits include adding the words, "and Inspecting Official", in the 1st sentence following "Notify the Code Enforcement Officer" to read "Notify the Code Enforcement Officer and Inspecting Official in writing...". Also, in that same Section (and throughout the UDRO), Ted suggested changing the term "infrastructure improvements" to "required improvements", and he proposed that a new definition be added for "Required Improvements" stating that any improvement on the final plan be considered a "required improvement". It was noted that later in the UDRO (Section 21), the cost of infrastructure improvements is a figure used to calculate the amount of performance guarantee required for a project. Ted stated that he is proposing a change to the wording in Section 21 so that a performance guarantee for a subdivision (major or minor) cannot be waived; however, a performance guarantee for a site plan is negotiable.

Section 6.A.1.b regarding payment for inspections, following the 2% of estimated costs of improvements, Ted suggested adding "or \$10,000, whichever is greater" to ensure the escrow account is sufficient to cover the cost of the inspector.

Section 6.A.3, Ted suggested inserting the word “final” before Plan to read, Noncompliance With Final Plan”, and then changing the term “approved plan(s)” to “final plan(s)” throughout the UDRO since “approved plans” is not defined in the list of definitions. “Final Plan(s)” is defined.

Under Section 6, Ted suggested adding a new subsection, 6.H., to separate Life Safety and Fire Suppression from Road Completion, which is 6.G. Ted suggested using the same wording in 6.H. as shown in 6.G., to read, “No lot or dwelling in a subdivision may be sold, leased, occupied or otherwise conveyed before” completion of cisterns or fire ponds.

The group discussed Section 9.A.3, Scheduling of on-site inspection. Following discussion, it was decided that no changes would be made to this section.

Suggested edits within Section 10 include changing the escrow amount noted in 10.B.6. from \$2,500 to \$10,000. It was suggested that instead of a fixed amount, perhaps adjusting for CPI instead. Rob will research the proposed language to present to the Board at the next meeting. It was noted that this may be applicable wherever the escrow change from \$2,500 to \$10,000 is mentioned.

Ted proposed 2 new subsections under Section 10: 10.C.2.j. and 10.C.2.k. These new sections are proposed for applications which are submitted in regards to Wireless Telecommunication Facilities and for applications submitted in regards to Solar Energy Systems.

It was noted that Section 10.C.2.d.xvi. mentions density credits. The option for using density credits in proposed cluster developments was eliminated from the UDRO during its previous revision. Joelle stated that she noticed 5 references to density credits in the current UDRO. It was recommended that any reference to density credits be removed.

Gootsch suggested adding a reference to NEC (National Electric Code) to the list of standards mentioned in Section 10.C.2.k.v.

Section 13.G.2. suggested edits include replacing “Planning Board” with “Code Enforcement Officer” in the 1st sentence since the Planning Board does not have enforcement authority. In the last sentence of that same section, specifying erosion control practices must conform to the latest edition of Maine Erosion Control Best Management Practices Manual for Designers and Engineers.

In Section 13.J.3. changing the current language to instead read: No change shall be made in the elevation or contour of any lot or site other than as shown on final plan. This includes the remove or addition of earth to or from another lot or site. Minimal changes in elevations or contours necessitated by the field conditions may be made as long as the change does not substantially or negatively impact the site. Ted noted that the current language only mentions the removal of earth, not the addition of earth.

It was suggested that the Recreational Lodging Facilities, which the Board worked on and approved last year, be added as Section 13.Q. Section 13.Q is currently titled “Reserved” in the UDRO. Ted explained to the two new alternate members this new section and the history of the work that the Board did on this proposed revision, which included a subcommittee made up of a Planning Board member, a Select Board member, and one or two citizens of the Town.

Under 13.X.1, a minor edit is suggested: inserting “Section 14” before “Road Design and Construction Standards” for clarification.

In Section 13.X.3.c., it was suggested that the current paragraph and table be removed and replaced with “Where new roads intersections or driveway curb cuts are proposed, site distances, as measured along the road onto which traffic will be turning, shall be in accordance with Section 14, Road Design and Construction Standards.

It was suggested that the word “Residential” be removed from the title to Section 13.AC., Residential Life Safety and Fire Suppression, to read instead, “Life Safety and Fire Suppression”, and also be removed throughout that section. Additional changes suggested in that section include changing the gallons of the cistern from 40,000 to 60,000 in Section 13.AC.1.b. to be consistent with the required gallons noted for Fire Ponds Section 5.

It was noted that the CEO recommended the elimination of fire ponds entirely since fire ponds require the property owners to maintain them, and some Board members expressed their agreement. It was stated that all subdivisions should be required to be sprinkled. It was suggested that Section 13.AC.1.c. be eliminated. Ted will do a word search for “fire pond” and suggested that all references to “fire ponds” be removed.

In Section 13.AC.5.a.i. – ii, and –iii, it was suggested that language be added to require cisterns to be built to NFPA-22 (the State approved standard), be designed for the purpose of holding firefighting water, and have a visible gauge above ground showing the water level.

In Section 13.AC.5.b.iv. and Section 13.AC.6., it was suggested that “Newry Fire Department” be changed to “Code Enforcement Officer”.

In Section 13.AC.6.c., following Neighborhood Road in the 1st sentence, it was suggested that “as specified in Section 14, Road Design and Construction Standard” be added for clarification.

Ted noted that he suggests that Section 13.AF. be used for Wireless Telecommunication Facilities, and Section 13.AG. be used for Solar Energy Systems. Ted explained the research he did that resulted in the language being proposed for these two sections.

At 8:30 pm, Gootsch moved to extend the meeting by 30 minutes, and Ted seconded. With no discussion, the motion passed.

Ted noted that he had suggested changes in Section 21, which is Performance Guarantees, and Section 23, Growth Management Districts and Nonconformance.

Ted reviewed the Definitions section, noting that many of the proposed new definitions are due to the two new Performance Standards. Other definitions include Height of Structure and Required Improvements. The group discussed what the definition of “improvement” is. It was noted that an improvement is anything that adds value to the land, that the developer adds to the property or constructs. Ted stated that he will do a little more digging to see if “improvement” needs to be specifically defined. Ted added that one additional step that the Board should take, as a Condition of Approval, is repeating or specifying that everything on the final plan needs to be built or needs to be done.

Ted stated that he will consolidate all the Sections mentioned above into one pdf along with a summary sheet and share both documents with the whole Board for review.

Open Discussion:

- a) Ted spoke of upcoming items expected to come before the Planning Board: the Bike Park, another minor subdivision, and The Pines is working on their re-application. None of these are expected at the next meeting, however.

Next Scheduled Meeting – Wednesday, February 7, 2024

Adjournment – Ted moved to adjourn and reconvene on Feb 7, 2024, at 6pm; Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 8:50 PM.