

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, April 10, 2024
Raymond C. Foster Municipal Building

Full discussion on the 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 (Board Secretary), Meredith Harrop (Alternate), Rob Kates (Alternate)

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent:

Public Attendees:

Call to Order: Chairman John Gauthier called the meeting to order at 6:01 PM.

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

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

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Ted moved to accept the minutes of the last meeting, held March 20th, as written. Bruce seconded. With no discussion, the motion passed with all voting in favor.**

Business

- a) Election of Officers: The group discussed the timing of this election. The Planning Board's current bylaws (amended Dec 2020) state that the election is to be held at the first meeting in April. However, the Town's fiscal year and Planning Board members' terms have changed since 2020, both of which are now July 1 to June 30). The group noted that it would make more sense to hold the election during the first meeting in July. **Ted moved to delay the voting of officers of the Board until the first meeting in July to coincide with the Board's appointment terms. Bruce seconded. During discussion the group discussed reading through the bylaws and proposing edits to be voted on at a later meeting. Following discussion, the motion passed unanimously.**
- b) Review & Sign Findings of Fact for Shoreland Zone Permit Application for Sean Caddigan, Application # 24-281; 1342 Sunday River Road, Tax Map/Lot R17/5: The group reviewed the Findings of Fact. **Bruce moved that the Board accept the Findings of Fact for Shoreland Zone Permit application for Sean Caddigan, application # 24-281, 1342 Sunday River Road, Tax Map/Lot R17/5. Ted seconded. The motion passed unanimously.** Gootsch proceeded to sign the Findings of Fact as Chair with Bruce signing as witness.

CEO Reports

- a) Building Permits: Joelle reported that Building Permits are picking up again with two at the golf course subdivision (Mahoosuc Glen) and one at Powder Ridge. She noted there were two others – one on Douglas Road and one on Aspen.
- b) Hydrant issue: She noted that there is a hydrant at Mahoosuc Glen that has water flowing out of the top of it. She is working with that HOA to get it repaired.
- c) Clearing Limits: Joelle talked about the issues she's having with having contractors staying within the 20,000 square foot clearing limit for a building envelope per the DEP permit. The group discussed possibly including a condition of approval on future subdivisions that states that the subdivider needs to verify to the Town that they have permanently marked the building envelope that has been approved by either the Planning Board or by DEP and require them to bring a letter of compliance to the CEO. Joelle will reach out to the Planning Board and request that the Board send their written support to the Selectboard if an enforcement issue gets to the point of imposing fines.

Open Discussion

- a) **LD 2003; LD 1706; LD 337 – Accessory Dwelling Unit and Manufactured Homes and in which ordinance should this be included (UDRO or Land Use Building Code):** Joelle explained that the law has changed since it was initially proposed. She talked about some of the older subdivisions in Newry, which do not have such restrictive covenants as most subdivisions do today. Joelle felt that this Accessory Dwelling Unit (ADU) ordinance would fit better in the Land Use Building Code Ordinance. She noted that she doesn't expect to have a big run on these and added that the emphasis that would give her the best avenue for enforcement for property owners interested in adding an ADU would be if the Town requires that a septic system inspection be done by a Site Evaluator that is trained in soils. The Site Evaluator would ensure that the property has sufficient potable water and can accommodate a sufficient wastewater disposal system, and the proper system would need to be installed before the ADU is added.

Joelle will work on proposed edits for the Land Use Building Code Ordinance for review at the 2025 Town Meeting. She noted that, other than requiring a Site Evaluator, there is no need for the Town to edit the sample ADU Ordinance that has been supplied by the State of Maine. The group agreed that this would either be a stand-alone ordinance or be incorporated into the Land Use Building Code Ordinance.

- b) **Application Review tracking sheets for both UDRU applications and Shoreland Zoning Permit applications:** The group reviewed the draft sheets that Becky created/revised and discussed additional edits. The group discussed what would initiate the decision to hold a Public Hearing. If the application is for a major subdivision, then a Public Hearing is required. Otherwise, if abutters or other property owners contact the Town with concerns regarding an application, then usually a Public Hearing is scheduled.

Becky will incorporate the edits noted below and send out revised drafts for the Board's review at their next meeting.

Suggested changes for the UDRO Application Review tracking sheet:

- Public Hearing notices are posted only once in each newspaper: The Bethel Citizen and the Sun Journal.
- The Board must act on the application (approve, approve with condition(s), or deny) within 60 days of finding the application complete (not 30).
- If a Public Hearing is scheduled, the application must be acted upon within 30 days following the public hearing.

Suggested changes for the Shoreland Zoning Permit Application Review tracking sheet:

- Public Hearing notices are posted only once in each newspaper: The Bethel Citizen and the Sun Journal.
- Delete the statement about public hearings being required for major subdivisions.
- Once the Board receives an application, they have 35 days to deem it complete or incomplete.
- The Board must act on the application (approve, approve with condition(s), or deny) within 35 days of finding the application complete.
- If a Public Hearing is scheduled, the application must be acted upon within 35 days following the public hearing (not 30).
- The line regarding Escrow can be deleted.
- The section regarding Performance Guarantee can be deleted.
- The line regarding waivers can be deleted.

- c) **Disposing of materials distributed to Board members:** Rob asked how to properly dispose of old applications and such when the Board members no longer need them. It was explained that since the Planning Board meetings are open to the public and all materials must be supplied to the public if requested, then there is no need to shred these materials. The paperwork can just be discarded in the trash.

- d) **Freedom of Access and personal email addresses:** Ted noted that if Planning Board members are using their personal email address when receiving emails regarding Planning Board business, then your personal email account could be subject to review for a FOA request. If a Board Member is uncomfortable with that possibility, then they contact the Town Administrator and request a Planning Board email address to use strictly for Planning Board purposes. It was noted that if the Planning Board email is forwarded to your personal email address, it would still be subject to a FOA request. Joelle spoke about the State Fire Marshal's office cautioning the members of the Fire Department from using their personal cell phone to take a photo at a fire scene. The personal cell phone could be confiscated.

Also in regards to FOA, Ted asked the two new Alternates if they had signed the FOA training sheet so that the Town can have it on file. Joelle will get copies of this form to give to Meredith & Rob.

- e) **Next meeting:** With no new business for review at the April 17th scheduled meeting, Ted moved to cancel that meeting and readjourn on the 1st of May at 6:00 at the Town Office. Bruce happily seconded that motion, and the motion passed unanimously.
- f) **Town Meeting:** The Town Meeting is scheduled for Tuesday, May 14th, at 6pm at the Grange Hall.

Next Scheduled Meeting – Wednesday, May 1, 2024.

Adjournment Ted moved to adjourn the meeting; Bruce seconded. Motion passed with all voting in favor. The meeting adjourned at 7:12 PM.

APPROVED