

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, May 1, 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: none

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent: none

Public Attendees: none

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 full Board members are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. During review, it was noted that a correction was needed in the CEO Reports section under subparagraph a). Where it reads, "... with two at the golf course subdivision (Mahoosuc Glen) one of which is on Keystone."; should be changed to read: "... with two at the golf course subdivision (Mahoosuc Glen) and one at Powder Ridge." **Ted moved to adopt the minutes of the previous meeting held on April 10th as amended. Bruce seconded. With no further discussion, the motion passed with all voting in favor.**

Business

- a) **Change June 19, 2024, meeting to June 18, 2024, to avoid conflict with Juneteenth holiday: In view of the fact that June 19th is a State-approved holiday, Ted moved that the Board change its scheduled meeting from June 19th to June 18th, 2024. Bruce seconded, and the motion passed unanimously.** Joelle noted that she has confirmed that Main-Land Development can attend the Tuesday, June 18th meeting. She explained to them that June 19 is a federal holiday, and therefore, with the Town office closed that Wednesday, the Planning Board meeting would be moved to Tuesday, the 18th.
- b) **Review and vote on the submitted letter from Main-Land Dev. for The Pines LLC to extend Application # 24-280 review to the June 18, 2024, Planning Board meeting:** The Chair read the letter from Main-Land Development Consultants LLC aloud for the recording. **Ted moved the Board table The Pines at Sunday River application until June 18th, 2024. Bruce seconded, and the motion passed unanimously.**

CEO Reports

- a) Updates: Joelle reported informed the Board that per the advice of numerous CEOs and other Towns, there cannot be any discussion from the Board when she reports on previous applications. The Board may ask Joelle questions, but the Board cannot go back to the old applications to review anything. That said, Joelle gave the following updates:
- a. Ted has been helping Joelle by doing research on DEP recertifications for a few older subdivisions.
 - i. Ted & Joelle have looked at the Peaks Village stormwater and rain gardens. A letter was sent to the HOA, and an HOA member responded with a very detailed email, of which Joelle read portions to the Board. The HOA, in summer of 2022 after realizing they did not have a current recertification with DEP, they contacted Main-Land Dev. and have been working on various erosion issues, road inspections, and culvert repairs in their recertification efforts. They've hired a second engineering firm (Calderwood) as well as an attorney to review their covenants

in terms of how road maintenance is handled. When the storm of December 2023 hit, their erosion problems became a bigger issue. Maine DEP has a Maine Roads Program to help towns, etc. to see what needs to be done to be complaint. The former DOT Bridge Ranger, Jim Foster, is looking at their bridge. The HOA is working on the next steps to get their DEP permits and Army Corp of Engineers permits. They stated in their email that they will keep Joelle in the loop on their progress.

- ii. She is working with The Glades at Ridge Run HOA, which she will be looking at tomorrow (May 2nd).
- iii. She's working with Great Brook Preserve HOA, which had a lot of damage from the most recent rainstorm, but not much damage from the December 18th storm. Joelle noted that they knew nothing about DEP recertifications that they needed to keep up. Members of the HOA came in and talked to Joelle earlier today for advice; Joelle recommended that they reach out to Main-Land Development, the engineering firm involved in the initial subdivision, and then be sure to do annual inspections thereafter.

Open Discussion

- a) **Research on a Proposed Stormwater Policy for the Town:** Joelle has been talking with Sue Baker at State Flood, and Allison at Oxford EMA. Joelle will be talking with the Franklin EMA Director for Kingfield and Carrabassett Valley area to see what they do for a stormwater policy. Sue and Allison have given Joelle some materials to use as she creates this proposed policy.

Ted reported that the DEP permits for the mountainside subdivisions have specified some very detailed stormwater management systems such as rain gardens, bioretention filters, etc. He noted that he did a quick tour around some of the Town's subdivisions, and it doesn't seem that the systems were put in or are now perhaps buried with landscaping. Ted suggested that the Town be more pro-active in following up on the stormwater systems. Since support for this should come from the top down, Ted recommended that the Planning Board write a letter to the Select Board encouraging that a written stormwater policy be established including enforcement actions. With the amount of damage that the town has been experiencing from recent storms affecting not only the lot owner's property, but also the adjacent properties, the management of stormwater systems needs to be a priority.

The group discussed the Town possibly organizing some work sessions where HOA representatives would be invited to attend and learn about stormwater management and the systems they need to maintain. Ted has put together a list of HOAs and their agents. The work session would be a broad view of stormwater management, and then Joelle can meet with individual HOAs to review their specific plan with them. Joelle mentioned that perhaps the work sessions could be held annually.

- b) **Planning Board Bylaws proposed amendment:** It was noted that the way that the Planning Board conducts business today is not the same as what is reflected in the Board's current Bylaws. A draft was distributed of Ted's proposed revisions. Ted explained his proposed revisions including the addition of requiring Board members to sign an Affidavit when they have missed a meeting; this is per MMA's recommendation. A draft affidavit was provided. Ted summarized that that Board can:

1. Continue to do business they way they've been doing it and ignore the Bylaws (which is not recommended);
2. Change the way they do business to reflect what is written in the current Bylaws;
3. Revise the Bylaws to reflect how the Board currently does business;
4. Or do a combination of #s 2 & 3 above.

However, the Bylaws should reflect how the Board does business, and the Board should do business as stated in the Bylaws.

During review and discussion of Ted's draft, it was decided that:

- Item F1 under Section IV, Recording Secretary duties, will be moved to Section IV.E. since the agenda is now prepared by the Code Enforcement Officer and Chair.
- Items B6 and B8 under Section IV, Chairperson's duties, will be deleted since there is no longer a planning board email account, and the hard drive of the planning board computer is managed by office staff or the CEO.
- Item B7 under Section IV, Chairperson's duties will be edited and moved to Section IV.F. since the Planning Board's Dropbox account is handled by the Recording Secretary.
- Section IV.D.1. will be edited to reflect what is currently being done.
- Section IV.C.1., confirming notification of abutters, will be deleted this is a task that the Board in general does during the application process.
- The Board will continue to have 3 separate officers: Chair, Vice Chair, and Secretary, and not combine the Vice Chair and Secretary duties for one person.
- Under Section VII, item f. (Findings of Fact) will be deleted from this section and instead be added in the parentheses for Section VII.e., Business to read (includes new and continued business as well as Findings of Fact). Item g. (Correspondence/Mail) will now be added to the agendas moving forward as noted in the Bylaws, and lastly, a subsection will be added to this section for "Reports".
- The affidavit will be revised to incorporate blank spaces that can be filled in as needed and format lines to give enough space to fill in the information. In addition, section 4 of the affidavit will be changed to a series of check boxes (instead of having the Board member write a summary). Those checkboxes would be as follows:
 1. I have listened to the recording of the ___/___/___ meeting.
 2. I have read the minutes of the ___/___/___ meeting.
 3. I have reviewed all materials submitted at the ___/___/___ meeting.

Otherwise, the changes noted on Ted's proposed revision will be incorporated into the next draft.

- c) Application Review Tracking sheets: It was decided an area should be added to show the date of the first meeting where the application was reviewed as well as a date for signing the Findings of Fact.
- d) Town Meeting: The proposed UDRO Amendment will be voted on at next week's Town Meeting. That meeting is scheduled for Tuesday, May 14th, at 6pm at the Grange Hall. The Town report is out and on the Town's website, and the warrant is posted at the Post Office and available on the Town's website. Joelle encouraged as many Board members as possible to attend to answer any questions the public may have regarding the proposed changes.

Next Scheduled Meeting – June 5, 2024

In view of the fact that the Board has no new business to discuss at the meeting of May 15th, Ted moved that the Board cancel that meeting. Bruce seconded, and the motion passed.

Adjournment Bruce moved to adjourn the Planning Board meeting of May 1st, 2024; Gootsch seconded. The motion passed with all voting in favor. The meeting adjourned at 7:24 PM.