

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, June 5, 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 6:01 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 minutes of their May 1, 2024, meeting. **Ted moved to accept the minutes as written, and Bruce seconded. With no discussion, the motion passed with all voting in favor.**

Business

- a) Proposed revisions to Bylaws – approve or more edits: Two copies were provided to the Board – a smooth draft and a draft showing the proposed revisions. Following discussion, the following edits will be made:
- Section IV titled OFFICERS AND THEIR DUTIES, the title will be changed to DUTIES OF THE OFFICERS AND STAFF.
 - On page 2, paragraph D.1. – the word “folders” will be changed to “files”, and a period will be inserted after “NPB” so the new sentence begins, “These files include applications, findings, ...”
 - On page 2, paragraphs D.2. and E.6. should end with a period.
 - Section VIII, item 1. – the start of that paragraph will be changed to begin “All applications and their supporting materials are required to be submitted two weeks in advance of the first meeting...”.
 - Section VIII, the bullets will be changed from numbers to capital letters to be consistent with the formatting in the rest of the document.
 - Section VII, the bullets will be changed from lower case letters to capital letters.

Two draft copies of the Affidavit Regarding Missed Meeting were reviewed by the Board. Following discussion, the following edits will be made:

- Within the notary statement, a line needs to be added where it says, “(Board member name)”.
- In item 4, a comma should be added following “Since that meeting”.

Gootsch noted that he is planning a road trip next spring and will be away from early April to early July and doesn't intend to listen to the recordings of all the meetings he'll miss. It was noted that the Ordinance limits the number of meetings a Board member may miss. The Board will look at the Ordinance to see what that number is.

NOTE: The Board decided to cover agenda item c) “Pending application for The Pines...” to discuss the attorney's comments, before item b) “UDRO updated packets”.

- c) Pending application for The Pines – discussion and review of attorney’s comments as to which version of the UDRO applies for this application’s review: The Board read the attorney’s response, which Joelle emailed to the Board on May 22nd and distributed copies at tonight’s meeting for Board members to refer to during their discussion.

The group discussed the fact that when the Board reviewed the application in terms of completeness at its March 6th meeting, the applicant requested that further review be delayed so they may gather the information found to be missing at the March 6 meeting. The applicant and the Board mutually agreed to delay review until the Board’s second meeting in June – June 18th.

The Board discussed in length how the recently amended UDRO would affect the requirements of the application as compared to the previous version of the ordinance. Some revisions that were discussed included required improvements, what is now considered “substantially complete”, performance guarantees, and the requirements for phasing a development.

It is important to note that the applicant was made aware that the Board would be having this discussion tonight and chose not to have a representative present – per emails dated May 22, 2024, and June 5, 2024.

In regards to whether the new UDRO applies to this application or if the old UDRO applies, comes down to whether, during the process of determining if the application was complete or incomplete, did the Board conduct any review of compliance with the ordinance. The Board reviewed the minutes of the March 6th meeting. They agreed that they have not yet reviewed the application in terms of its compliance with the ordinance, and that a substantive review has not been done. Once the Board found that the application was not complete, the application was tabled at the applicant’s request.

In view of the fact that the Board has not commenced a substantial review of the application for The Pines, Application #24-280, Ted moved that the Board apply the UDRO as amended on May 14, 2024, to the application. Bruce seconded the motion. For the record, the finding of fact is that the Board did not do a substantial review of the application against the Criteria for Approval, and only determined that the application was incomplete. The motion passed unanimously.

- b) UDRO updated packets: Board members updated their binders with the UDRO amended on May 14, 2024, along with various other documents that Joelle provided: Appeals Board Ordinance, Land Use Building Code, Sign Ordinance, Medical and Retail Marijuana Ordinances.

Findings of Fact: none

CEO Reports

- a) Stormwater and maintenance discussions and results within various subdivisions: Joelle reported that she has been writing letters to developers who retain rights and to various HOAs requesting that they take care of their stormwater management systems and asking that inspection reports and DEP recertifications be sent to her office. Some subdivisions were surprised that DEP permits must be recertified. Some have hired Main-Land Development Consultants to help them through this process.

A workshop to talk about stormwater management with the HOAs is being planned and will be held during Fall Festival weekend at Sunday River in October.

Open Discussion

- a) Ted spoke about an email correspondence with the Town's attorney that Joelle printed and handed out to the Board. The attorney was asked about the Planning Board's discretion on granting waivers to submission requirements, performance standards, and required improvements. The Board will discuss this in more depth during Open Discussion at its next meeting.

Next Scheduled Meeting – **TUESDAY**, June 18, 2024, at 6pm

Adjournment Bruce moved to adjourn the **Wednesday, June 5th, 2024, Newry Planning Board meeting; Gotsch seconded. Motion passed with all voting in favor.** The meeting adjourned at 7:30 PM.

APPROVED