

MINUTES of PUBLIC HEARING
The Pines at Sunday River – Application # 24-280
Wednesday, July 17, 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), Ted Baker (Board Secretary), Meredith Harrop (Alternate), Rob Kates (Alternate)

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

Members & Staff Absent: Bruce Pierce (Board Vice Chair),

Public Attendees: George Jordan, Caroline Healey, Ron Savage, Bob Berry, J. Jeff Hvilcek, Steve Wight, Jarrod Fournier, Peggy Fournier.

Call to Order: Chairman John Gauthier called the Public Hearing to order at 6:00 PM.

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

Bob Berry, Senior Engineer at Main-Land Development, explained the proposed project for those in attendance. He noted that the project was permitted and approved by the State of Maine and Town of Newry in 2007; it was extended a number of time and was recently purchased by The Pines Group. Using the drawings he brought, Bob pointed out the units that are already built and the units currently being built. The DEP permit is still valid; however, the Town permit has lapsed, and therefore, the applicant has come back before the Planning Board to re-permit the previously approved project. Bob stated that they are not proposing any changes to the plan other than changing a few road names within the subdivision. Bob pointed out the various proposed phases (1-3) and stated that each building will have 4-5 residential units. The project will be a total of 38 units, of which 5 are existing and 5 are under construction nearing completion. The remaining 28 units are being proposed today in the application before the Board.

Peggy Fournier asked about septic systems. Bob replied that each building will have its own septic system and its own well.

Peggy then asked about a property line that comes down to the river and who owns that property. George Jordan (in the audience) replied that he owns that property.

Peggy asked about why she received an abutters' letter. Joelle explained that according to the Town's Ordinance, an abutter is anyone within 1,000' of the proposed project.

Peggy asked about buffer zones near the river. Using the site map, Bob pointed out where the 100' foot "no touch" buffer is located and explained that within this "no touch" buffer, there are conditions for which certain work can be done in that zone (i.e. cutting a hazardous tree). He explained that the Shoreland Zone is the area that is located within 250' from the river, and any work done within that Shoreland Zone must follow the rules of Shoreland law. Bob noted that part of the area is a Commercial General Development zone within the Shoreland Zone, which allow some use. Using the map, Bob pointed out the only proposed building where some of the units would fall within 250' of the river; the rest of the buildings and units are not within the Shoreland Zone.

Peggy asked about flooding. Bob replied that there are concerns with flooding on the site and that a flooding study was done with a hydrogeologist to do the flood study with actual elevations of flood waters. He added that those elevations have recently been updated this year, and that every unit is being built at least 2' or more above the base flood elevation – the code only requires 1' above base flood elevation.

Peggy asked about foundation. Ron Savage, of The Pines Group, replied that these buildings will have a crawl space with 4' frost walls for utilities. There is no living space below the first floor of the buildings – just crawl space to access the wiring and plumbing. Ron added that during the storms this past winter, the site did flood, but that no water entered into the wooden structure of the buildings.

Jeff Havilcek asked about the survey of the river whether it is recent or from 2007 and noted that the river has changed its path over the years. Bob replied that the line on the site plan is very close to the river's location today and added that the highwater mark is determined by where the vegetation meets the rocks.

George Jordan asked the year of the survey and the acreage of the project. Bob replied that the boundary survey is dated 2006 and that it was over 40 acres, but that some has been sold. The acreage is now 38. George spoke more about the acreage and the year of the survey.

George Jordan asked when the permit lapsed and when did the developers start building at the site. Joelle replied that the permit lapsed in December 2023, and they started building in November.

George asked if the new owners are working off the old plans and if not, what has changed. Bob replied that the site layout/design has not changed. He added that some road names have changed, and the phasing plan has changed.

George asked about occupancy and traffic. Bob replied that what is before the Planning Board now is 38 units with 3 bedrooms per unit. George noted that there is an issue with traffic and visibility with traffic coming down the hill quickly. Bob replied that a traffic report is included with the application and at a peak hour it's predicted that there will be 59 cars in and out of that driveway per the ITE Traffic Generation Manual. Bob added that although there are updated manuals, the calculations in the manual have not changed.

George asked about putting a barrier between the driveway for this development and his house, so lights don't shine into his house as cars turn into the driveway.

Jeff Havlicek asked if there will be a Homeowner's Association and regulations regarding noise (i.e. fireworks), and he asked if these units can be rented out. Bob replied that yes – the units can be rented. Joelle replied that per state law, you must own the property or have the owner's permission before firing off fireworks. She added that the Town doesn't have any ordinances against fireworks, they rely on state law. Oxford County Sheriff will deal with any nuisance calls as they are notified. Ron Savage replied that there is an HOA in place now with the owners of the current units. Ron stated that he doesn't believe noise is addressed in the current HOA documents for this subdivision and added that that is something for the owners to come up with themselves. He noted that he owns a rental company managing over 300 properties and talked about when his company rents properties, they hire their own security guards to address such issues. In response to Bob's question whether Newry has a noise ordinance, Joelle responded that it does, but only for construction, and is included in the UDRO.

Jarrold Fournier spoke about the noise he hears at his home and asked about snow removal, where will it be placed. Ron Savage replied that his company currently plows this subdivision and that there are plenty of spaces to push the snow. The roads are wide, and if needed, he has a frontend loader that comes in to push the banks back. Bob Berry added that there are generally no curves, no guardrails, and the vegetation sets back.

Peggy Fournier asked if the HOA would do the road maintenance, trash removal, overall maintenance. Bob replied that the HOA has a structure where all the unit owners pay into the HOA to help cover all the maintenance, any inspections needed if there is an erosion event, etc.

George Jordan asked how the HOA is structured to come into play. Ron Savage replied that the HOA is already established for the first five units and that the owners of the next building will blend into the current HOA, and so on. There will be one HOA for the whole complex. Ron stated that the HOA has an annual meeting, a president, and they've hired The Tax Loft to handle their billing.

Jeff Havlicek commented that if he was building the project, he would want an updated survey. He would not want to build on a drawing that is 16 years old.

George Jordan talked about the acreage noted when he bought his property, and how that once surveyed it was fewer acres in actuality due to the change in the river.

Jeff Havlicek asked about the timeline when everything is built out. Bob replied that he believes that as soon as this current building is built and passes inspection, then they will move on to the next building. Joelle added that the phasing schedule goes until 2031. Ron noted that he expects it will take 4 to 5 years to complete the project.

The Public Hearing ended at 6:32 PM.

APPROVED