

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 6, 2024
Raymond C. Foster Municipal Building

Full discussion on the topics below is available on audio recording at the Newry Town Office.

Members Present: Ted Baker (Board Chair), Bruce Pierce (Board Vice Chair), John (aka Gootsch) Gauthier (Board Secretary), Meredith Harrop (Alternate)

Members Late:

Staff Present:

Members & Staff Absent: Rob Kates (Alternate), Joelle Corey (Code Enforcement Officer)

Public Attendees: Peter Roberts, Carson Deeds, Rick Dunton, Brooks Morton

Call to Order: Chairman, Ted Baker, called the meeting to order at 6:00 PM and made his opening comments.

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. **With no edits nor comments from the Board, Bruce moved to accept the minutes of the October 16, 2024, meeting of the Newry Planning Board as written. Gootsch seconded. With no discussion, the motion passed with all voting in favor.**

Business

- a) **Preliminary meeting for Main-Land Development – Rick Dunton, P.E., representing Forget Development LLC, for a 6-lot subdivision at R13/13D-1:** The Chair reviewed the guidelines for pre-application meetings per Section 9 of the UDRO. When asked about Form 10.1, Rick Dunton stated that the form was submitted. The Chair noted that it had not been distributed to the Board. The Board proceeded with the pre-application meeting without that form before them. The chair explained that the applicant is considering a proposed minor subdivision on Monkey Brook Road consisting of 6 lots on 20.5 acres. The location is just after the town road ends and the private way begins – an area commonly known as the sand pit.

Rick explained that they are working with Forget Development on this proposed project. Rick talked about the topography of the location for this proposed subdivision, portions of which are quite steep particularly near the backs of the lots. Rick stated that they have started working on the application. Rick noted that 5 of the lots are between 1-3 acres, and one lot is 16 acres. All lots meet the minimum 150' road frontage and will fit the 75' radius circle for building site, and preliminary test pits have been done for suitable subsurface wastewater. The soils are sand and gravel on the roadside. Rick pointed out the cleared areas of the lots, noting that the remaining portions are forested. He stated that each lot would have access onto Monkey Brook Road with 6 driveways being created. Rick explained that Lot 1 may include an easement over Lot 6 to access the buildable area. There is a possibility for a buildable site near Lot 1's road frontage. Discussion ensued regarding site distances.

With no further questions or comments from the board, the Chair reminded Rick that the burden is on the applicant to demonstrate compliance with the provisions of the UDRO and state law. The Chair spoke of the Board's application review procedure, and specifically mentioned the required letter of authorization allowing Main-Land Development to act as agent for Forget Development.

The Chair also spoke of the recent sale of an adjacent lot (Lot 13/13-D conveyed in 2021) by the applicant, and therefore, that lot would need to be included in this subdivision per Maine State Law – bringing the lot number of lots to 7.

The Chair advised the applicant to refer to the Criteria for Approval as noted in the UDRO or State Law when preparing the application and be sure to provide sufficient material which will allow the Planning Board to make findings of fact for each criterion. The Chair spoke of Section 13, Performance Standards, and asked that Rick pay particular attention to 13.H, Stormwater Management Plan, and Section 13.I for Borrow Pits if there has been any extraction. Section 13.Y, Ground Water Protection, is another section that will need to be addressed due to the slope of the land. Section 13.AC, Life Safety and Fire Suppression, will apply. The Chair recommended that the applicant review Section 22, Waivers, if requesting any waivers. Section 21, Performance Guarantees, cannot be waived for a subdivision, so this section will need to be addressed. Discussion ensued regarding DEP permit; Rick will provide the Board with a letter from DEP stating that a DEP permit is not required. The ongoing maintenance of the stormwater management systems once the subdivision is complete and lots are sold will need to be detailed. Lastly, the Chair also noted that the applicant may need to provide an escrow account to cover costs of a consulting engineer to advise the Board on review of the stormwater management plan for this application one is hired.

The Chair explained in what order the Board prefers the application to be presented – supporting materials should be attached directly following the form for which they pertain.

Rick was reminded that the driveways would be on the private-way portion of Monkey Brook Road, and therefore, it was suggested that the applicant reach out to Sunday River regarding a right-of-way.

- b) **Pines at Sunday River Conditional Agreement review and Attorney’s review remarks – app # 24-280:** Ted reported that at this time, there is nothing for the Board to look at. The smooth draft of the agreement will be signed by The Pines Group, LLC, and presented at the next Selectboard meeting for their review and approval.
- c) **Per UDRO Section 3.E Sunday River Skiway Merrill Hill Chairlift #2 Extension of Site Permit #23-275, approved July 5, 2023, and FoF signed July 19, 2023:** Peter Roberts of Sunday River explained that Merrill Hill Chairlift #2 application, which was approved in July of 2023, sunsets after 18 months – January of 2025. Therefore, the Resort is requesting an extension. The deadline for the request to extend is 30 days prior to the sunset date. Peter stated that originally permitted was one chairlift and 2 additional ski trails which both have bridges over Morganite Way. He reported that the chairlift and one of the two trails have been completed to date. The second trail and neither of the two bridges have been constructed at this point.

The Board reviewed the UDRO, Section 3.E, on page 14 and the top of page 15, where it states that applications may be extended up to one year by the Planning Board.

The Chair and the Board agreed that this extension only requires a written request from the applicant for the extension since the applicant is not amending the application. It was noted that the applicant does not need to be in attendance.

Peter asked to be added to the next agenda.

Findings of Fact

- a) **Sunday River, Jordan Base Igloo App # 24-284:** The Findings are not yet ready for review at this meeting.

CEO Reports

- a) Locke Summit Estates information update - maybe: With the CEO not in attendance, there was no report.

Open Discussion

- a) Discussion ensued about pre-application meetings. It was noted that there is a pre-application form on the Town’s website, which details what is needed for a pre-application meeting. The Board talked about working with Joelle to ensure that applicants are prepared for pre-application meetings.

b) Discussion ensued regarding next week's joint meeting in Bethel for Locke Summit. Ted noted that the section of the development that lies in Newry, which is Phase 2 of the latest approved application, transferred ownership one or two months ago, and the current owner wants to proceed with Phase 2. Phase one is in Bethel. Ted spoke of the state law in regard to reviewing applications for developments that span town lines and gave some history regarding the agreement between the two towns during the original approval in 2006, as well as an amendment to the proposed project made in 2017 which joined two lots (one of which was remote). The current owner is in the process of un-doing that amendment by recreating the remote lot; however, the plan is now to construct that lot's driveway entrance off Sunday River Road. Ted summarized that this is a preliminary meeting, and more information will be distributed to Board members prior to the meeting.

Next Scheduled Meeting – Wednesday, November 13, 2024, at 6pm in Bethel for a joint meeting with Bethel Planning Board regarding Locke Summit subdivision (location in Bethel TBD).

November 20, 2024, at the Newry Town Office – Planning Board meeting at 6pm. If no new business arises, this meeting may be cancelled.

Adjournment Bruce moved to end today's Planning Board meeting November 6th; Gootsch seconded. Motion passed with all voting in favor. The meeting adjourned at 6:55 PM.

APPROVED