

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, December 4, 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), Rob Kates (Alternate)

**Members Late:**

**Staff Present:** Joelle Corey (Code Enforcement Officer), Retta Powers (Town Administrator)

**Members & Staff Absent:**

**Public Attendees:** Peter Roberts

---

**Call to Order:** Chairman, Ted Baker, called the meeting to order at 6:00 PM and proceeded with his opening statements.

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

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

**Previous Meeting's Minutes:** The Board reviewed the November 6, 2024, meeting's minutes. With no edits or comments from the Board, **Bruce moved to approve the minutes of November 6, 2024, Planning Board meeting as written. Gootsch seconded, and the motion passed with all voting in favor.**

The Board reviewed the minutes of the November 13<sup>th</sup> Special Joint Meeting of the Planning Board in the Town of Bethel with the Bethel Planning Board. With no edits or comments from the Board, **Bruce moved that the Newry Planning Board approve the minutes of the Special Board Meeting with the Bethel Planning Board on Wednesday, November 13<sup>th</sup>, 2024, as written. Gootsch seconded; the motion passed with all voting in favor.**

**Business**

- a) Email Correspondence from Jill Kenney – The Town Administrator received an email from Jill Kenney dated Nov. 15, 2024, requesting that the email be forwarded to the Town Selectboard or Planning Board. In her email, which is in regards to the traffic survey discussed last April due to concerns of continued development and increased traffic around the Sunday River, Monkey Brook Road, and the Skiway intersection, Jill requested an updated on the traffic study. The Chair read the email aloud for the record. Retta noted that she responded to Jill's email stating that most of the study cannot be done in the wintertime due to optical issues with any rain and snow. Retta added that the CEO will be contacting DOT for more information. Bruce offered to coordinate with Joelle on this traffic study. The Chair suggested that they set up a teleconference with AVCOG and/or DOT to learn about the limitations of the survey equipment and cost, etc. The Board will look for an update at its January 15<sup>th</sup> meeting. The Chair stated that he will also reply to Jill Kenney's email.
  
- b) Agreement with Bethel for Joint Meetings: The Chair explained the agreement, which was distributed to the Board. He noted that other than formatting, the only change to the agreement signed in 2014 is the addition of the last line, which states "This agreement will remain in effect until either Board notifies the other that they are withdrawing from the agreement." **Bruce moved that the Planning Board sign the Agreement to Waive the Joint Planning Board Meetings for Bethel and Newry on the Locke Summit Estates Subdivision. With Gootsch seconding the motion, the motion passed unanimously.** The Board proceeded to sign two copies of the agreement – one for each Board to have on file. Joelle stated that she will deliver Bethel's copy to them tomorrow.

- c) Letter from Sunday River Skiway Merrill Hill Lift #2 Extension of Site Permit #23-275; approved July 5, 2023: Peter Roberts, Chief Engineer for Sunday River, stated that he is submitting a letter to request the extension of Site Permit #23-275 per the Board's request during his attendance at the Board's meeting last month. He explained that the Resort has completed the chairlift and just one of the two trails. They have not finished the second trail and neither of the two ski bridges have been built yet. Therefore, the project is not considered substantially complete based on what was permitted, so Peter is requesting an extension of the Site Permit. Peter listed the conditions of approval that have been met, and he noted that he has not received any abutter complaints. Joelle confirmed that she received a report from the third-party inspector.

The group discussed whether Peter would need to come back before the Board again for another extension if the project is still not substantially complete at the end of this 12-month period. It was noted that the UDRO does not address multiple extensions. The Chair stated that he will research it further to see if another extension could be granted or if the resort would need to resubmit their application. Peter stated that he will make a note on his calendar to request a pre-resubmission conference with the Board in October 2025.

**Gootsch moved that the Planning Board grant the extension to Sunday River Skiway Corporation for Merrill Lift #2 and Trails permit extension. Bruce seconded, and the motion passed unanimously.**

The Recording Secretary will draft a letter to the applicant.

#### **Findings of Fact**

- a) Sunday River Skiway Corp Jordan Basin Igloos Site Plan application 24-284: The Board proceeded to review the Findings. **Gootsch moved to approve the Findings of Fact for Application 24-284, Sunday River Skiway Corporation's Jordan Basin Igloos. Bruce seconded. The motion passed unanimously.** Ted signed two copies of the document with Bruce witnessing Ted's signature. One copy will be kept on file at the Town Office, and the second copy will be sent to the applicant.

#### **Open Discussion**

- a) Comprehensive Plan familiarization: Retta briefly explained the history of Newry's Comprehensive Plan and the committee that helped form the plan. She stated that per the Town's attorney the Plan is supposed to be updated every 10 years, and that last time Newry's was updated was in 2005. Retta added that although the State no longer mandates Towns to have a Comprehensive Plan, Newry's UDRO is tied to the Comprehensive Plan, and the attorney confirmed that because Newry has zoning/development districts, the Town must also have a Comprehensive Plan. Retta is before the Board tonight in hopes that the Planning Board can help list some highlights to bring to the Selectboard at their next meeting. The Selectboard will then decide if a committee will be formed or if they will look to the Planning Board to work on this project. Retta suggested involving the public to get input on their vision of the Town's future. She spoke about the current estimated cost of hiring AVCOG to help, which could be as high as \$100k.

Retta and Joelle noted that they were able to find in the files where a committee was formed to amend the Plan in 2010; however, no amendments or meeting notes were found.

Discussion ensued regarding the Town joining the Route 26 Scenic Byway in the early 2000s. That effort got voted down.

The Board discussed the Planning Board's role in this Comp Plan update project.

Retta asked the Board for help in drafting a notice to invite folks to be committee members for this project. Retta's hope is to have the committee made up of a Selectboard member, at least 1 Planning Board member, Retta and Amy from the Town's office, and then some other people. The group discussed whether the notice regarding this project should be sent to just the voting residents of the Town or should all the Town's taxpayers/property owners be invited to have input. Retta noted that all prior committees have been made up of

all residents and there was a facilitator who was not a resident. Retta or Joelle will reach out to the Town's attorney for his advice.

Once the draft amendment is ready, it will need to go to the Selectboard for approval, be reviewed by the Town's attorney, a public hearing would be held, and then document would need to be approved by the Town Legislature (the voting members of the Town) at a Town Meeting.

Gootsch agreed to work with Retta via zoom to identify potential stakeholders to form a committee for this project.

- b) Short-Term Rental UDRO Performance Standard: Joelle expressed her concerns with the Town not having any ordinance or standards to regulate short-term rentals. She noted that 37 new, single-family houses being built by permit just this year and added that these plans often include a room in the basement that could sleep up to 16 people. Joelle stated that many of the homes are advertised online as vacation rentals, which would make them a business, and as a business, perhaps they should be reviewed under the UDRO. She asked if the Board felt that this is an ordinance violation. She expressed her concerns with environmental issues since the septic systems are being designed for 4, 5 or 6 bedrooms (accommodating 8, 10 or 12 people respectively), but these houses sleep 20 or more people, and to add to the environmental concern, most houses in Newry are built on hills with the effluent flowing downhill. She also expressed concerns about life safety precautions. Joelle also spoke of concerns with the added traffic with the short-term rentals. Joelle asked if the Board felt there should be a performance standard added to the UDRO regarding short-term rentals.

Ted noted that the UDRO specifies that the Board reviews subdivisions and site plans for business and elaborated on some of the details that would make the dwelling be considered as rental unit or owner occupied. He mentioned some of the larger rental facilities in Newry which are regulated by the State and noted that there is a safety gap with the short-term rental, hospitality business that is unregulated. For example, the basements being converted into bedrooms without having any proper egress measures. Ted also spoke of environmental issues.

Discussion ensued regarding the nuisance alarm issues that were discussed at the last Town Meeting. The lack of visible E-911 addresses we also mentioned. The group talked about enforcement, and perhaps amending the UDRO to exempt short-term rentals from having to go through a Site Plan application review process depending upon how the Town's residents vote on the topic.

Joelle reiterated that she would like the Planning Board to think about this topic with the safety gap and the environmental issues with the septic systems. Ted noted that this topic needs to be brought up to a group of stakeholders for their input.

Ted stated that as the Chair of the Planning Board, he is willing to have the Board involved in reviewing this subject, and he asked if there is any member of the Board willing to work with Joelle in developing a preliminary document on defining the problems and finding potential solutions. Ted spoke of the possibility of perhaps requiring short-term rental applicants to pay an annual fee to register their vacation rental business, and the money from those fees could help pay for the Town to hire a parttime employee that would work as an assistant to the CEO to supervise, administer, and inspect (if needed) vacation rentals.

Ted spoke of the 4 possible options: 1) business as usual and the Town will ignore the UDRO that requires businesses to come forth and do a Site Plan application; 2) the Town will require all businesses to uphold the UDRO and come before the Planning Board with a Site Plan application as the UDRO is currently written; 3) amend the UDRO that facilitates the process of regulating short-term rentals; and 4) amend the UDRO to say that vacation rentals are exempt from Site Plan application review.

Bruce offered to work with Joelle on this topic. Ted pointed out that since a quorum is two Board members, only one Planning Board member can participate on this committee.

**Next Scheduled Meeting** – With no new business for Dec 18, Gootsch moved to cancel the December 18<sup>th</sup> meeting. Bruce seconded, and the motion passed unanimously. The Chair noted that the first Wednesday of January is New Year’s Day, a legal holiday; therefore, the next regularly scheduled Planning Board meeting will be held January 15<sup>th</sup>.

The Chair asked the Board members to use the extend time to review the UDRO, review the Comprehensive Plan, and think about short-term rentals.

**Adjournment** Bruce moved to adjourn the December 4<sup>th</sup> Planning Board meeting; Gootsch seconded. The motion passed with all voting in favor. The meeting adjourned at 7:43 PM.

APPROVED