

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, January 15, 2025
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), John (aka Gootsch) Gauthier (Board Secretary),
Meredith Harrop (Alternate),

Members Late:

Staff Present: Joelle Corey (Code Enforcement Officer)

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

Public Attendees: Rick Dunton, John Marotta

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, all full Board members are eligible to vote. With Bruce Pierce being absent from tonight's meeting, the Chair deemed Meredith Harrop a voting member of the Board.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Gootsch moved to approve the minutes of the December 4th, 2024, meeting as written; Meredith seconded. With no discussion, the motion passed unanimously.**

Business

- a) Pre-App Conference w/ Timberline TH LCC; Rick Dunton of Main-Land Development as agent – 8 Timberline Drive; Tax Map & Lot U03/001-A: It was noted that the application packet submitted to the Town did not include a letter authorizing Main-Land Development to act on his behalf for this application process. John Marotta, principal of Timberline TH LLC, who attended tonight's meeting, gave his verbal authorization for Main-Land Development, Rick Dunton to act as agent.

The Chair confirmed that the applicant had no objections to having alternates, the CEO, and Recording Secretary participate in the discussions and review of this application.

Rick Dunton explained the proposed project and gave a history of John Marotta's development in the area. The lot is Tax Map U-3 Lot 1A – former site of Les Otten's house and former site of The Phoenix restaurant among other businesses. The Phoenix structure has been demolished and removed, leaving only the Real Estate office building, which currently houses a business known as Hilltop Crafts. Rick referred to the plan numbered S1.1 and pointed out various aspects of the site and its surroundings noting the lot is 2.92 acres bounded by Timberline Drive, Skiway Road, and the upper lot at South Ridge.

Rick displayed plan C3.1 as he explained the proposal is for a residential condominium project – three buildings totaling 11 five-bedroom units. The units are intended to be high-end and face the slopes. With the grade of the property, garages are planned for the lowest level frontside of each building, and additional parking space is planned for the living space level in the back of the building. Drilled wells, one well per building, will provide water to the units. The sewer is expected to be connected to Sunday River's private municipal-style treatment facility. Rick noted that included with the purchase of the lot was the rights for connection of up to 67 bedrooms to the resort's wastewater treatment plant. Rick spoke about the plans for stormwater management on site with vegetated underdrain filter pond in the front of the site, and noted a shuttle stop.

The Board asked about the status of the existing cross easement that is dated April 16, 2003. Rick explained that they are in negotiations with Sunday River, the plan is trade back the cross easements and get rid of the day/night element of those easements.

The Chair clarified that there is no shuttle stop in front of that lot. The structure that the applicant referred to as a "shuttle stop" was the architectural design of the sign for the former businesses on the site. It was noted that this location has never been a shuttle stop; however, The Phoenix had a Site Use Agreement in place years ago with the resort to use a 6- or-8-person extended-length golf cart to transport their patrons from the restaurant to South Ridge Lodge. Currently, the resort's shuttle service only serves Sunday River owned properties and parking lots, not the various condominiums and businesses located around the resort area.

The Chair asked about the status of Northeast Wireless Network cellular tower agreement. Rick explained that the contract runs through November 2025, and then at that time, the tower will be removed, and the space will be ready for building.

Rick noted that this is planned as a phased development which will begin with the area not in conflict with the tower. John added that the first phase will include a building of 3 units (Building 1) and phase two will be a building of 4 units (Building 2). Then, in the next year, a building of 4 units (Building 3) will be built for the third phase.

A retaining wall is planned between Buildings 2 & 3 due to the drop in elevation.

Discussion ensued regarding the boundaries around the site and the notations on the plans stating, "legal survey" and "not a boundary survey".

The Chair noted that it is the applicant's responsibility to provide notification to all abutters and provide evidence of such to the Planning Board. The Chair spoke about the \$10k escrow fund needed for the Planning Board's use of outside consultation during the application review process per the UDRO. He mentioned the Board policy to not grant conditional approval pending the required favorable approval from any outside agencies. The Chair stated that both a Public Hearing and a Site Walk will be scheduled since this is considered a major subdivision.

The Chair also clarified that with the Real Estate office on the site, this is a 12-unit subdivision. Discussion ensued with the applicant.

The Chair noted additional information regarding the Board's process for reviewing applications for the applicant to consider as they prepare the application to be submitted to the Board. Discussion ensued regarding the DEP permit required for this project and that a mutual extension of application review may be needed in this case.

- b) Locke Summit lot line modification on Bethel side. The Board discussed an amendment application submitted by Malry LLC. The Board referred to the agreement recently entered into with the Bethel Planning Board regarding the option to waive Joint Planning Board Meeting for certain amendments to the Locke Summit Estate subdivision. The Chair noted that an application has been submitted to the Bethel Planning Board for the proposal to amend a lot line on the Bethel side of this subdivision – basically, undoing a lot line adjustment that was previously approved by both Towns when lot was modified in 2012 – Bethel Tax Map 21-002-008. The question for the Board to consider is: is this undoing of this lot line adjustment within the bounds of the agreement and therefore, does not require a joint meeting, or is it outside of the agreement and therefore requires a joint meeting of the two Planning Boards. The Board members proceeded to discuss the history of this subdivision as well as the amendment being currently proposed which includes a driveway off Sunday River Road near the Townline/S-curves. It was noted that the Maine DOT has given their approval because it meets site distances. Using the Site Map, Joelle pointed out the location of the proposed driveway for the Board.

Following discussion, Ted moved that the proposed lot line amendment to Locke Summit Estates reinstating Lot 6 and reversing the previous amendment that did away with Lot 6 in 2014 or thereabouts falls under the inter-board agreement for single-board review, in this case, the Town of Bethel. Gootsch seconded. Without further discussion, the motion passed unanimously.

Findings of Fact – none

CEO Reports – none

Open Discussion

- a) Vacation Rental Ordinance (aka Short-Term Rental Ordinance); brought before Selectboard and CEO will move forward with next steps/research/drafting: Joelle reported that she has not had a chance to connect with Bruce; however, looking at the various towns which she has been using for her online research for this topic, she is working on a draft document for a stand-alone ordinance; not be part of the UDRO. Joelle is looking at different ways the Town can enforce the health and safety standards that were discussed at previous meetings. Joelle hopes to have this draft ready for the Selectboard to review in time for the May 2025 Town Meeting. She is looking for buy-in from the stakeholders – i.e. condominium and townhouse managers, realtors, property owners, etc. She clarified that the Town will not be limiting the number of vacation rentals – just the number of occupants allowed in the home depending upon septic design, etc. Joelle is taking her time to ensure that she is quoting the applicable laws correctly and working with the Town’s staff on the process of tracking approved registrations and fees – hopefully, this can be done online with a database. There are some outside organizations that may be able to help with this process if approved. Joelle emphasized that the biggest concern is having these homes meet the same safety standards as hotels, motels, bed & breakfast facilities, etc. are required to meet.

To recap, Ted stated that this is not a Planning Board issue or project.

Next Scheduled Meeting – Wednesday, February 5, 2025, with a few possible applications expected to be submitted for review.

Adjournment Gootsch moved to adjourn until February 5th. Meredith seconded, and the motion passed with all voting in favor. The meeting adjourned at 7:16 PM.

APPROVED