

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, February 19, 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), 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)

Members & Staff Absent:

Public Attendees: Rick Dunton

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, with all three Board members in attendance, confirmed the presence of a quorum.

Prior Attendance/Voting Eligibility: Since Bruce was absent from the past meeting, he will not vote on the minutes of that meeting. However, with no business carrying over from the previous meeting, Bruce is eligible to vote on all business at this meeting.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. The Chair noted that since Meredith filled the vacancy during Bruce's absence at the last meeting, she is eligible to vote on the minutes of that meeting. **Gootsch moved to approve the minutes of the January 15th, 2025, meeting as written. Meredith seconded. With no discussion, the motion passed with all voting in favor.**

Joelle noted that the agenda for tonight's meeting has been edited. Under the topic "Correspondence Received", a Gorrill Palmer email is now listed.

Correspondence Received:

a) Email from Gorrill Palmer: It was decided that this email will be discussed during the review of the Monkey Brook Road Subdivision since that is the subject of the email.

Business

b) **Forget Development LLC, Monkey Brook Road Subdivision, APP 25-285; Rick Dunton of Main-Land Development as agent – 7 lots on Monkey Brook Road; Map R13 Lot 013-D-1:** The Chair proceeded with his opening statement. The CEO confirmed that the application fee of \$850 has been paid with check # 1065. Joelle also confirmed that a copy of the application is available for public review. The Chair asked that the application # (25-285) and dated received by Planning Board (which is tonight), be shown, and that it is marked as "initial submission".

The Chair noted that since the 30-day deadline for finding this application complete or incomplete expires on March 21st, 2025, the Board must determine completeness by its March 19th meeting.

Finding of Fact: Section 1.C of the UDRO defines the applicability of the ordinance and Section 1.C.1 states subdivisions as defined by Title 30-A-MRSA Section 4401; therefore, the Planning Board has jurisdiction. **Gootsch moved that the Planning Board has jurisdiction. Bruce seconded the motion. The motion passed unanimously.**

Finding of Fact: The initial application submitted by the applicant is for 7 residential lots and Section 24.B of the UDRO defines a Minor Subdivision as any subdivision with less than 10 lots or dwelling units; therefore Application 25-285 is for a minor subdivision. **Gootsch moved that this project being less than 10 lots, it is for a minor subdivision, and the motion was seconded by Bruce. The motion passed unanimously.**

Finding of Fact: The Applicant is proposing to subdivide a parcel of land defined by a Warranty Deed dated January 24, 2019, and filed with the Oxford County Registry of Deeds (OCRD) in Book 5450 Page 596. This warranty deed conveys the parcel to Forget Development, LLC.

Finding of Fact: The Applicant executed a warranty deed and conveyed approximately 3.5 acres from the parcel defined in OCRD Book 5450 Page 596 on April 8, 2021, to one David L. Kenneally and is registered with the OCRD Book 5601 Page 211. This division of land occurred within five years of the Applicant's original deed and therefore, under 30-A M.S.R.A. 4401, this 3.5-acre parcel must also be part of the proposed subdivision of land.

The Chair puts forth the Following Conclusion of Law: The Applicant, Forget Development, LLC has standing to subdivide the tract of land defined in OCRD Book 5450 Page 596.

Bruce moved that the applicant has standing. Gootsch seconded. The motion passed unanimously.

Finding of Fact: The applicant has provided the Board with a letter authorizing Main-Land Development Consultants, LLC to act on its behalf in obtaining federal, state, and local permitting including attending meetings, signing forms and generally representing the project interest of Monkey Brook Road subdivision in Newry, Maine; therefore. Main-Land Development is a duly authorized agent for the applicant. **Gootsch moved that Main-Land Development Consultants is the designated agent for this project. Bruce seconded, and the motion passed unanimously.**

Regarding conflict of interest and/or bias, all Board members including the alternates confirmed that they have no conflict of interest with nor any bias against Forget Development LLC and this application.

The applicant was asked if he had any objections with the alternate members of the Planning Board, the CEO, or the Recording Secretary to partake in the review process of this application.

Rick Dunton of Main-Land Development Consultants, introduced himself and, using the plan titled S2.1, explained the 7-lot subdivision project, which is on approximately 28 acres. Rick noted that 6 lots are subject to review, and the 7th lot was created prior to this application. The average lot size is 1.5 acres, excluding the larger lot known as the Kingdom lot at 16.36 acres. The location of the project is at the end of the Town's portion of Monkey Brook Road and the beginning of the portion of that road owned by Sunday River. The plan is to have shared driveways with easements. There will also be easements for stormwater ponds. Rick also pointed out the three minor forested wetlands located on the property.

Rick spoke about Lot 7 and referenced it on the Plans. He noted that it is listed as Lot 13D on the tax map.

The Board proceeded to review the application for completeness as the applicant explained the contents contained in the application booklet.

The Chair moved that the applicant be required to pay the additional fee of \$10,000 to aid the Planning Board in its review of the application. Gootsch seconded, and the motion passed unanimously. The CEO confirmed that the additional fee has not yet been received by the Town. The Chair directed the CEO to engage the consulting services of the engineering firm, Gorrill Palmer, to review the application in conformance with the UDRO Sections 13.G Erosion Control; 13.H Stormwater Management; 13.Y Groundwater Protection; 17 Storm Drainage Design and Construction Standards. The Chair also asked that GP answer the following questions:

- Agree or disagree with the applicant's subsurface wastewater disposal plan;

- Agree or disagree with the applicant's request for a waiver on the requirement for a Class A High Intensity Soil Survey – does the stormwater management infrastructure need this survey, or from the engineering perspective, can the waiver be granted?
- Agree or disagree with the applicant's Ground Water Supply statement;
- Agree or disagree with the applicant's statement that no state or federal permits are required;
- Agree or disagree with applicant's estimated cost to construct 2 stormwater ponds for \$20,000 and survey monumentation for \$3,000.

The Chair also asked the CEO to engage the Town's attorney to review the applicant's proposed common driveway easement and maintenance agreement; Declaration of Restriction and Protective Covenants; and respond to the question: can the Declaration of Restriction and Protective Covenants define the rental of a single-family home to be considered a residential use and does this include short-term rental?

The Chair spoke about waivers on submission requirements and read the language included in the UDRO on this topic. He noted that the applicant is requesting a submission waiver to the submission requirement for a Class A High Intensity Soil Survey – Section 10.C.2.d.XVIII (page 44 of the UDRO). The Board proceeded to review that section.

Rick stated that the high intensity soils mapping had to do with farming suitability when it was established. Rick added these surveys have very little to do with the ability to develop on a particular piece of property other than to ensure that there is suitable soil for wastewater and to see if there are soils that have a high susceptibility to erosion and sedimentation control. He added that there is at least one suitable septic site on each lot in the locations proposed for development per a Licensed Site Evaluator, Scott Dixon of Main-Land Development, and the County Soils mapping shows good sands and gravels from the movement of materials on the site already.

The Chair asked Joelle to read aloud her email communication with Gorrill Palmer regarding the requested waiver for the High Intensity Soil survey. The CEO proceeded to read aloud her email correspondence with Will Haskell of Gorrill Palmer dated Feb 18, 2025, with the Subject: "Several new subdivisions coming through Newry".

Following discussion, Gootsch moved for the Board to grant the requested waiver for a Class A High Intensity Soil Map; Bruce seconded. The motion passed unanimously, and the waiver is granted.

The Chair confirmed with the applicant that there are no other waiver requests at this time.

Gootsch moved that Form 10.1 is complete; Bruce seconded. During discussion, it was noted that various items are missing such as the Certificate of Corporation for Forget, LLC and a statement that the corporation is licensed to do business in Maine are missing, etc. Following discussion, all three Board members voting in opposition, and the motion failed.

Gootsch moved that Form 10.2 is complete; Bruce seconded. During discussion, it was decided that the driveway approval from Sunday River has been included, and the motion passed unanimously.

Regarding Form 10.3, it was noted that in item 5A, Lot 7 is not shown or included in any of the plans – it should have a Lot # on it and should be shown in its entirety on the plan. In item 5B, the dimensions and areas for Lot 7 are not included. In item 11, the structures on abutting properties are not shown. Regarding structures on abutting properties, the Board discussed including where the buildings are located but perhaps waiving the requirements for showing the buildings' heights.

Gootsch moved that Form 10.3 is not complete, Bruce seconded. The motion passed unanimously.

The Board reviewed Form 10.4. The Board discussed if in item 11, the applicant should be asked to provide driveway construction details including drainage and surface preparation that has been reviewed and approved by

Sunday River, the owner of the private road that these shared driveways will enter – at least the first 25 feet of the driveway. Rick noted that this would potentially require the CEO to inspect the driveways during construction. Discussion ensued with various suggestions.

Discussion ensued regarding the number of residential lots that Monkey Brook Road services and the question was posed: at what point would Monkey Brook Road be required to meet primary road standards? It was noted that the Jordan Hotel is at the end of this road. Joelle was asked to bring this question to the Town's attorney.

The applicant asked for clarification as to what the Board is looking for in terms of driveway specifications; the Chair clarified that as part of the storm water management plan, any driveway that is going to impact stormwater runoff needs to be designed such that it can fit into the plan, and since Monkey Brook is a private road, any other requirements towards driveway construction – the section of the driveway that has the potential of affecting Monkey Brook Road, needs to be coordinated with the owner of that private road. The Board would like to see a letter from Sunday River regarding the driveway construction.

The CEO was also asked to contact the Town's attorney regarding the driveway for the existing Lot 7, to see if the Board can require this driveway to be included in the request for driveway construction details.

Ted moved that Form 10.4 is incomplete. Gotsch seconded. The motion passed unanimously.

At this point, the Chair tabled Application # 25-285. He explained to the applicant that there is a high probability of a Public Hearing and a Site Visit for this application. Review of this application may continue March 5th if the applicant submits information before the deadline of 10 days prior to that meeting.

Findings of Fact – none

CEO Reports – none

Open Discussion

- a) The Chair mentioned that the Town has proposed Vacation Rental Ordinance and noted that the Town will be holding a Public Meeting on Feb 26th at 5pm at the Grange Hall. This is not a Planning Board initiative.

Next Scheduled Meeting – Wednesday, March 5, 2025, at 6pm

Adjournment **Gotsch moved to adjourn; Bruce seconded. Motion passed with all voting in favor.** The meeting adjourned at 7:42 PM.