

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, March 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, Brooks Morton

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 three full-Board members are eligible to vote. Meredith was absent from the previous meeting. She signed an affidavit confirming that she has listened to the audio recording of the previous meeting, read the draft minutes, and reviewed the materials from that meeting.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Bruce moved to approve the minutes of the March 5th, 2025, meeting of the Newry Planning Board as written. Gootsch seconded. With no discussion, the motion passed with all voting in favor.**

Correspondence Received:

- a) Emails with Town's Attorney, PerkinsThompson, regarding SLODA interpretation: The chair confirmed that all members had a copy of this email chain (most recently dated March 10th), which the CEO forwarded to the Board. This email stream will be discussed in detail later in this meeting.
- b) The Chair confirmed that all Board members had a copy of the Engineering Review Memorandum from Gorrill Palmer; dated March 17, 2025, with Subject: Minor Subdivision Application; Project: Monkey Brook Road Subdivision.
- c) A telephone voicemail and email stream from Tama Drown, an abutter to the Monkey Brook Road Subdivision – regarding public comment on the application for Monkey Brook Road Subdivision.

Business

- a) **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 summarized the Board's actions and determinations to date in regards to Application 25-285.

Since the March 5th meeting, the Board has received a packaged from Main-Land Development which included a Revisions to Submittal Materials Cover Letter dated 3/7/2025; an Amended Operating Agreement of Forget Development, LLC dated 4/27/2022; Schedule A, Forget Development, LLC, Membership Interests; State of Maine Certificate of Existence in Good Standing dated 3/6/2025; Statement of Principals of the Corporation signed 2/28/2025; Statement of Interests in Abutting Parcels signed 2/28/2025; Abutting Building Footprints dated 3/3/2024; Well Data Map dated 5/24/2024; Forget Post Modeling report (41 pages); Soil Profile signed 3/6/2025; Stormwater Management Plan Narrative dated 3/7/2025; Plans S1.1 & S2.1 dated 2.26.2025; and Plans C2.1, C9.1, & D2.1 dated 2/3/2025.

The Board reviewed and discussed the newly submitted materials that pertain to Form 10.1. **Gootsch moved that Form 10.1 is complete. Bruce seconded. With no further discussion, the motion passed unanimously.**

The applicant noted that a typographical error was found on Form 10.3. The error was found on the boundary survey of the existing parent parcel which indicated an incorrect area of the parcel, and the applicant confirmed that the error has been corrected.

The Board reviewed and discussed the newly submitted materials that pertain to Form 10.3. **Bruce moved that Form 10.3 is complete for Application 25-285. Gootsch seconded. With no additional discussion, the motion passed unanimously.**

The Board reviewed and discussed the newly submitted materials that pertain to Form 10.4. **Bruce moved that Form 10.4 for Application 25-285 is complete. Gootsch seconded. With no further discussion, the motion passed unanimously.**

Ted moved that Application 25-285 is complete; Bruce seconded. With no discussion, the motion passed unanimously.

The applicant asked the Board if application and supporting materials are being submitted the way the Board would like to see them. The Board commended the applicant on his most recent submittals and suggested that perhaps each individual enclosure could be titled "Enclosure 1 to Form 10.1", etc. so the Board may easily identify the document. It was also suggested that page numbers be added.

The Board discussed their thoughts in regards to a Site Visit. **Bruce moved that a site visit for project 25-285 is not needed. Gootsch seconded. With no further discussion, the motion passed unanimously.**

The Board discussed holding a Public Hearing. Since the Board has received correspondence from an abutter, and since the road frontage is on a private road, **Ted moved that the Board hold a public hearing on Application 25-285. Bruce seconded the motion. Following further discussion, the motion passed unanimously.**

The Board and the applicant discussed a date for the Public Hearing. It was decided that the Public Hearing will be held at 6pm on April 16th at the Newry Town Office meeting room. Joelle will post notice in the newspapers, and the applicant was reminded that abutter notifications must be sent as well; the Board would appreciate a copy of the abutter letter be submitted for the Town's file. The Chair clarified that the Board would have 30 days following the Public Hearing to make a decision on the application – approve, approve with conditions, or deny.

Joelle read from an email received from Will Haskell of Gorrill Palmer that was received 3/19/2025; Subject: RE:0130176 – Newry PR – Monkey Brook Road Subdivision regarding cost estimates. Discussion ensued regarding who would be responsible for the cost of building the shared driveways as well as the cost for putting in the erosion control measures.

The Board discussed possible conditions of approval, such as: noting who is responsible for the cost of installing erosion control measures, including a statement that the applicant is responsible for constructing the driveway aprons, and perhaps requiring that the owner of the private way sign off on the construction of the driveway entrances. The Chair asked Gootsch to draft the verbiage for these conditions of approval.

Regarding the Performance Guarantee, the applicant stated that they are looking at doing Option 4: Restrict lot sales until the required improvements are completed. The Chair noted that that will require a contractual agreement between the applicant and the town, and that agreement would have to go to the Select Board for their approval and then be recorded at the Oxford County Registry of Deeds.

It was decided that Joelle will be the inspecting official for the infrastructure required for this project. Therefore, the Board will not need an escrow account established to cover the cost of a third-party inspector.

The applicant confirmed that he is not submitting any waivers for Performance Standards per UDRO Section 22.B nor for Required Improvements per UDRO Section 22.C.

The Board discussed the email stream between the CEO, the Planning Board, and Brandon Mazer of Perkins Thompson. The dates of this stream are March 10, March 7, March 4, and Feb 20, 2025, with a subject line of: Newry Roads, STR's in residential covenants, and Title 38. The Chair stated that his main question for the Town's attorney was regarding the need for a SLODA (Maine Site Location of Development Application) permit. The Chair confirmed with the applicant that even though this development is greater than 20 acres a SLODA permit is not required because this subdivision is for single-dwelling residential units, less than 30 acres, and less than 15 units. This prevents any business activity from taking place within the lots of this subdivision despite the fact that this is in the Resort Development District. It was noted that renting is considered a residential use. The Chair expressed his concern and asked the applicant to provide the Board with a statement from DEP stating that this development qualifies for the exemption, and therefore, no SLODA permit is required. Rick noted that DEP generally does not respond unless there is an application before them and offered to draft a condition of approval to be included on the recorded plan stating that the intend of this subdivision plan is for single-family residential development only and commercial use would require review by DEP and by the Newry Planning Board. The Chair noted that the verbiage would need to be reviewed by the Town's attorney, and Rick clarified that he would need to get approval from his client.

The Board discussed with the applicant the Engineering Review Memorandum from GorrillPalmer dated 3/17/2025. The Board looks forward to receiving the applicant's written responses to the memorandum.

The Chair stated that the Board would review Performance Standards and Criteria for Approval after the Public Hearing and after receiving the applicant's response to the GorrillPalmer memorandum.

The Chair spoke about having all the conditions approval discussed earlier in this meeting ready for review at the Planning Board's April 16th meeting.

The Chair spoke about the final plan submission once the Conditions of Approval have been voted on and approved.

Joelle distributed to the Board the worksheets for reviewing Performance Standards and for the Criterial for Approval. The Chair asked the Board to think about specific findings of fact when working on these worksheets.

The group discussed the building envelopes shown on Plan S2.1 – specifically for Lots 4, 5 & 6, which Rick explained that an old foundation exists on the property of Lot 5, and it was suggested by the professional who did the study for Maine Historic Preservation Commission that a buffer be held around that foundation. Retention ponds were also discussed – installation, easements, and runoff.

Application #25-285 is tabled pending the Public Hearing and the Board's meeting on April 16th.

- b) **Timberline TH, LLC, The Village at Timberline Subdivision APP # 25-286, Mike Barnes or Rick Dunton of Main-land Development as agent – 11 dwelling units and 1 existing business structure/building; Tax Map U03-001-A:** No new material for this project was submitted for review at tonight's meeting.

Findings of Fact - none

CEO Reports

- a) The CEO will not be present during the Board's meetings in May.

- b) Public Hearing on three ordinances: Vacation Rental Ordinance; Driveway Entrance Ordinance; Land Use and Building Permit Ordinance to be held April 1st at 6pm at the Town Office meeting room.

Open Discussion

- a) The Chair stated that he attended a meeting today with the Town Administrator, Joelle, and Dana Bullen, President of Sunday River Skiway Corporation. The topic of the meeting was private roads. Ted noted that he was specially looking for Sunday River's input on how the Planning Board deals with subdivisions that are accessed over a private road owned by a third party. This topic does not seem to be clearly referenced in the ordinance. Discussion involved the issuance of building permits and the requirement that a lot must be accessible.

The Chair noted for the record that the agent for both open applications is still in attendance; therefore, the Board may discuss these two projects.

The Chair spoke about the traffic standards as well as road standards for the three road classifications (Neighborhood Road, Secondary Road, and Primary Road) included in the UDRO. The Chair suggested that the Board become familiar with Section 24, Definitions, as well as Section 14 in the ordinance. It was noted that a secondary road could reach its limit in the lots that it services; the limit for a secondary road is 200 lots. Ted added that the Board would have to consider that fact if a proposed subdivision brings a secondary road over its limit.

It was noted that there are some Town roads, which are not built to primary road standards, that service more than 200 lots. However, it is believed that the municipality may be exempt by law from being held to this standard – there may be precedent of which that the Town's attorney would be aware.

Next Scheduled Meeting – Wednesday, April 2, 2025, at 6pm.

The Chair reminded the group that there is a Public Hearing scheduled for April 1st at 6pm as noted above in Reports.

Adjournment Bruce moved to adjourn the Planning Board meeting of Wednesday, March 19th; Gootsch seconded. Motion passed with all voting in favor. The meeting adjourned at 8:09 PM.