

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, April 2, 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, John Marotta, Brook Morton

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**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 three full Board members are eligible to vote.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes. **Bruce moved to approve the minutes of the Newry Planning Board held Wednesday, March 19<sup>th</sup>, 2025, as written. Gootsch seconded. With no further discussion, the motion passed with all voting in favor.**

**Correspondence Received:**

- a) Email chain from Ricardo Morant to the Town's CEO – dates 3/25/2025 and 3/27/2025 -- Subject: "Marotta Condos" with attachment.
- b) Email chain from Thomas Cares to the Town's CEO – date 3/31/2025 – Subject: "Monkey Brook Road Subdivision" with attachment (the entire digital application that the CEO received from the applicant).
- c) Email chain from the Town's CEO to Rick Dunton of Main-Land Development – dated 4/2/2025 – Subject: "Timberline TH LLC"

**Old 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 noted that this application was tabled at the March 19<sup>th</sup> Planning Board meeting to be resumed following the Public Hearing that is scheduled for April 16<sup>th</sup>. The Chair spoke about the Conditional Agreement in lieu of a Performance Guarantee that has been provided to the Town. That agreement has been forwarded to the Town's attorney for review. The Chair reminded Rick Dunton that he was going to provide the Board with draft wording for a Condition of Approval regarding the SLODA permit requirement. Rick confirmed that he is working on that draft; he added that he will be meeting with the CEO to discuss the draft prior to submitting it to the Board.

The Chair asked the Board members to diligently review the application and be prepared to present at the April 16<sup>th</sup> meeting all Findings of Fact and Conclusions of Law covering both Performance Standards and Criteria for Approval for this application. He would like the Board to be prepared to possibly approve, approve with condition(s), or deny the application by the end of the meeting on April 16<sup>th</sup>.

- 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:** The Chair summarized the items that the Planning Board discussed and made decisions upon at previous meetings regarding this application.

The CEO confirmed the additional fee of \$10,000 has been paid. It was paid with check # 1024.

The Chair reviewed the deficiencies found by the Board at its last meeting regarding this application. The Chair stated that the easement has been filed and recorded with the Registry of Deeds. Rick Dunton proceeded to distribute to the Board copies of the Easement Agreement as well as copies of the Amendment to Cross Easement Agreement. Prior to this meeting, the applicant submitted a packet of Revisions to Submittal Materials for The Village at Timberline prepared by Main-Land Development Consultants dated March 19, 2025.

The Board reviewed and discussed the Amendment to the Cross Easement. Rick summarized for the Board the new Easement Agreement, which allows Timberline TH, LLC, to utilize Skiway Road as an access point for the development; Rick referred to the Plan as he pointed out the various driveway entrances for the project. Some are located on land owned by Timberline TH LLC, and some are on Sunday River property. Discussion ensued regarding the entrance to the resort's "Lot 3".

The Chair confirmed that the density issue has been solved with the removal of the existing Real Estate building and the Amended Cross Easement.

The Chair stated for the record that the applicant has submitted an Amendment to the Cross Easement dated March 24<sup>th</sup> and recorded at the Oxford County Registry of Deeds Book # 5863/Pg 385, as well as a new Easement Agreement between the applicant and Sunday River Skiway Corporation dated March 24<sup>th</sup>, 2025, and recorded in Book 5863/Pg 390. Lastly, the applicant submitted a letter from Franklin Savings Bank dated March 20, 2025, addressed to the Town of Newry Planning Board regarding Timberline TH, LLC Condominium Project, Timberline Drive, Newry ME.

The Chair continued his review of deficiencies found by the Board at its last meeting and confirmed that the deficiencies have been addressed with the materials submitted by the applicant for review at tonight's meeting. Discussion ensued.

**Following discussion, Gootsch moved that Form 10.2 is complete; Bruce seconded. With no further discussion, the motion passed unanimously.**

Rick Dunton of Main-Land Development explained for the record that the proposed development has been modified. To meet density requirements per UDRO Section 23.F, the existing real estate office will be removed. The area where the office and its parking was located is now proposed to be graded to have a gentler slope. Additional parking spaces are shown on the plan for the developer's future use. The applicant has also modified the 11 proposed units to be constructed as 4-bedroom units instead of the originally planned 5-bedroom units, for a total of 44 bedrooms.

Discussion ensued regarding the existing and new tree line shown on Plan C2.1.

**Bruce moved that Form 10.3 is complete for Application 25-286; Gootsch seconded. With no further discussion, the motion passed unanimously.**

Discussion ensued regarding the Phasing Plan and the itemization association with each phase – for example stormwater management to be included in each of the two phases. The phasing timeline was also discussed.

Following discussion, the Chair mentioned to the applicant that he could expect at least two conditions of approval: 1) a condition of approval requiring stormwater management for entire parcel be completed in Phase One, and 2) a condition of approval outlining the construction timing for each phase as described in the UDRO. Ted noted that he will draft the wording for these two conditions of approval to be voted on at the Board's next meeting.

**Gootsch moved that Form 10.4 is complete; Bruce seconded. With no further discussion, the motion passed unanimously.**

**Ted moved that the application 25-286 submitted by Timberline TH, LLC is complete. Bruce seconded the motion, and with no further discussion, the motion passed unanimously.**

Since this development is a major subdivision, a Public Hearing is required per the UDRO. The Board discussed the timing for the Public Hearing with the applicant and decided upon May 7<sup>th</sup> 6:00pm.

**Gootsch moved that a Public Hearing for Application # 25-286 be scheduled for May 7<sup>th</sup> at 6pm at this location – Newry Town Office meeting room. Bruce seconded. The motion passed unanimously.**

The Board discussed a possible site visit, and the Chair confirmed with the applicant that they could be available at 5pm on May 7<sup>th</sup> for the Board to visit the site.

**Ted moved that the Board conduct a Site Visit of the parcel to be held at 5pm on the 7<sup>th</sup> of May. Gootsch seconded. During discussion, the applicant was asked to install some stakes showing the easement boundary, survey stakes showing the entrances, and some surveyor paint depicting the area of the dry pond. Following discussion, the motion passed unanimously.**

The Board proceeded to review the requirement for a Performance Guarantee, which the application is choosing to satisfy with an irrevocable letter of credit. The Chair clarified that the irrevocable letter of credit must be issued by a financial institution. A construction schedule and cost estimate for each major phase of construction must be included as well as provisions for inspections, provisions for release of part or all the Performance Guarantee, and a set default date (per Section 21.B of the UDRO). In addition, the letter will need to be reviewed by the Town's consultants and approved by the Town's Select Board.

The Chair confirmed with the applicant that he is not submitting any waiver requests for performance standards as allowed per UDRO Section 22.B.

The Chair confirmed with the applicant that he is not submitting any waiver requests for required improvements as allowed per UDRO Section 22.C.

Review of Application 25-286 was tabled until the site visit scheduled at 5pm and public hearing at 6pm on the 7<sup>th</sup> of May.

The Chair stated that he would like the Board to start forming Findings of Fact and Conclusions of Law for Performance Standards and for Criteria for Approval. With due diligence from the Board members, he is in hopes that the Board will be able to approve this application, approve it with condition(s), or deny the application at the May 7<sup>th</sup> meeting.

Discussion ensued between the CEO, the applicant and the Chair regarding notices to abutters. The Chair asked the applicant to provide the Board with a copy of the abutter notice for this application (25-286) as well as a copy of the abutter notice being sent regarding the Public Hearing for Application 25-285. Copies of the certified mail receipts are needed as well.

The CEO will forward the stormwater management plan to Gorrill Palmer for review now that the application has been found complete.

**New Business** - none

**Findings of Fact** - none

**CEO Reports**

- a) Joelle spoke about MUBEC (Maine Uniform Building and Energy Code) being updated from 2015 standard the Town uses currently to the 2021 edition (skipping over the 2018 edition). Joelle goes to training next week for this update.
- b) A preconstruction meeting for The Pines was held today with the Town's engineer, a DEP representative, the developer and Main-Land Development Consultants. The meeting was held at the project site. The erosion control is in place, the concrete washout area has been designated, and Joelle stated that Steve will be sending reports to the Town weekly. The developer is planning to submit plans for a building permit to Joelle in the next few weeks. Joelle clarified that this will be Building #3 for The Pines.

**Open Discussion**

- a) Addressing Ordinance -- Rick Dunton, who was still in attendance, was asked to review the Town's Addressing Ordinance which is on the Town's website. Joelle noted that there is a possibility that the roads in The Village at Timberline project that Rick currently has before the Board may have to be named.
- b) The group discussed Town roads and the discussion that took place at the last meeting where it was stated that some Town roads are up to the standards that they ought to be. The group specifically talked about the Sunday River Road beyond the intersection of Skiway Road which has over 400 lots on it. Joelle noted that folks in the Town office have begun to research Town roads in this regard. Ted stated that impact on the Planning Board is minimal since the Planning Board does not have authority over municipal roads. The Town's attorney has confirmed that the Planning Board can apply standards to private roads per UDRO; however, those same standards do not apply to municipal roads. Ted mentioned the Comprehensive Plan committee that he and Gootsch are slated to be members of. Ted is hoping that the topic of current inventory of road structure as well as anticipated future road needs are a very important part of the Comprehensive Plan. Bruce asked about road grades, and discussion ensued. Ted encouraged Bruce to define the issue so the Board can decide how to move forward if any revisions to the UDRO are needed. Any revisions would need to be approved by the Town via vote at the Town Meeting.
- c) Joelle distributed copies of an email that she received from Landers Symes, dated March 5, 2025; Subject: "Timberline TH, LLC, The Village at Timberline". The email was read aloud for the record.

**Next Scheduled Meeting** – Wednesday, April 16, 2025 – beginning with a Public Hearing for Application 25-285, Monkey Brook Road minor subdivision at 6pm.

**Adjournment** Bruce moved to adjourn; Gootsch seconded. Motion passed with all voting in favor. The meeting adjourned at 7:45 PM.