

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, May 21, 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:**

**Members & Staff Absent:** Joelle Corey (Code Enforcement Officer)

**Public Attendees:** Peter Roberts, Carson Deeds, Brooks Morton

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**Call to Order:** Chairman, Ted Baker, called the meeting to order at 6:01 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 from any full Board members, all full Board members are eligible to vote.

**Minutes of Prior Meetings:** The Board reviewed the minutes of May 7, 2025, Site Visit for Application 25-286. **Bruce moved to approve the minutes of the On-Site Visit to Timberline as written. Gootsch seconded. There was no discussion. The motion passed with all voting in favor.**

The Board reviewed the minutes of May 7, 2025, Public Hearing for The Village at Timberline. **Bruce moved to approve the minutes of the Public Hearing as written. Gootsch seconded. With no discussion, the motion passed with all voting in favor.**

The Board reviewed the minutes of the May 7<sup>th</sup> regularly scheduled Planning Board meeting. An error was pointed out by Gootsch on page 2 – the word “early” should be “earlier”. **Gootsch moved to approve the minutes as edited. Bruce seconded. With no discussion, the motion passed with all voting in favor.**

**Correspondence Received:** - None

**Old Business**

- a) **Sunday River Skiway Corp., Site Plan Review – Cascades Booster Pumphouse; Application 25-287:** The Chair noted that this application is for a Site Plan review.

**Findings of Fact:** Per UDRO Section 1.C.2.b., the Board has jurisdiction to review this application.

**Conclusion of Law:** Gootsch moved that the Planning Board does have jurisdiction. Ted seconded, and the motion passed unanimously.

**Findings of Fact:** The applicant has standing for the parcel in question through a long-term lease agreement, commonly referred to as The Penley Lease.

**Conclusion of Law:** Gootsch moved that the applicant has provided proof of standing. Bruce seconded, and the motion passed unanimously.

**Findings of Fact:** The Applicant has provided a letter of authorization authorizing Peter Roberts to represent the owner dated April 23, 2025.

**Conclusion of Law: Ted moved that given the Findings of Fact, there is a letter on record giving Peter Roberts agency to represent Sunday River in matters before the Planning Board. Gotsch seconded, and the motion passed unanimously.**

**Findings of Fact:** Bias or conflict of interest – The Chair reported that he is an employee of Sunday River; however, he is not directly nor indirectly the owner of 10% of Sunday Rive Skiway Corporation nor its parent company, Boyne USA, Inc., and therefore do not have a financial conflict of interest per 30-A-MRSA Section 2605. Ted added that he is also free of any biases based on blood and/or marital relations to the application or other parties involved in the application. Meredith reported that she is also an employee of Sunday River but has no ownership nor bias.

**Findings of Fact: Given that the scope of this application is relatively small and does not involve any substantial required improvements in the form of stormwater management, roads, etc., the Planning Board does not need to consult with its third-party engineer or other professionals. Therefore, Ted moved that no additional fee need be required. Gotsch seconded. The motion passed unanimously.**

Peter Roberts, representing Sunday River Skiway Corporation, explained the proposed plan to build a 24'X36' snowmaking booster pumphouse in the Grand Junction area of the resort where the trails Cascades, T2, and Sunday Punch all merge. Peter noted that this is part of the resort's 10-year build-out plan to increase snowmaking capacity and capitalize on the shorter weather windows. The building design has not yet been finalized; therefore, the building permit will be requested after the Site Plan application is approved. The resort has a few estimates for various types of building construction to consider; a decision is expected to be made this Friday. It's expected to be similar in appearance to the one built on North Peak, but smaller in size.

Peter noted in regards to electrical power, when the Barker 6 chairlift was built, this new building was anticipated, and therefore, the resort installed a three-splice box on the South Paw trail to provide power to this new booster pumphouse.

Peter confirmed that this will be an unmanned building with no facilities included and the building will be operated remotely with a cloud-based control system. Communications to the building will be cellular.

Peter confirmed that he is not opposed to the alternate Board member participating in discussions regarding this application.

Peter stated that the spoils from blasting will be used to reshape various trails and fill in other trail areas with holes where added snowmaking has been required. There are no plans to haul any of it off mountain. Peter confirmed that this plan is covered by the resort's Site Law exemption with DEP. Peter stated that he notified DEP but got no response.

Peter spoke about the plan to replace the mid-station building on Lift 4 and add some basic electrical service to that building. This will be a separate Building Permit Application through the Town's Code Enforcement Officer.

Peter is requesting a waiver of the submission requirement for abutter notification. UDRO Section 10.B.8 requires applicants to notify abutters within 1,000 feet of property line. Discussion ensued.

**Findings of Fact:** The closest abutter is approximately 1,900 feet distant from the project construction site and the proposed building is a single-story mechanical building, and the UDRO Section 22.A. allows the Board to waive portions of the submission requirements.

**Conclusion of Law: Ted moved to grant the applicant's waiver request for the requirement to notify abutters as required per UDRO Section 10.B.8. Gotsch seconded. With no discussion, the motion passed unanimously.**

The Board discussed the possibility of a site visit.

**Gootsch moved that a Site visit is not required for this application. Bruce seconded, and the motion passed unanimously.**

**Ted moved that a Public Hearing need not be held for this application. Gootsch seconded, and the motion passed unanimously.**

**Ted moved to waive the requirement for a Performance Guarantee since this is a Site Plan application that is relatively minor in size and has no significant required improvements associated with it. Gootsch seconded. The motion passed unanimously.**

Peter confirmed that the plan is to use the same concrete washout procedures as used in the resort's previous Site Plan application.

No Conditions of Approval were placed on this application.

The Board proceeded to review Performance Standards in Section 13 of the UDRO. Gootsch asked about noise; Peter stated that although he does not have any numerical noise data, there have been no complaints received regarding noise from the two existing pumphouses at the resort – the North Peak Pumphouse and the Barker Pumphouse. Peter noted that the compressor house is the loudest snowmaking facility at the resort, and no complaints have been received regarding noise from that building either. Rob asked about exterior lighting, and Peter explained that the National Electrical Code requires an exterior light at each exterior door. A 60-watt wall pack light facing downward with automatic dusk-to-dawn feature will be used. The overhead door to get equipment (forklift, etc.) in the building when needed may have a more substantial flood light with a manual on/off switch.

The Board proceeded to review the Criteria for Approval.

#### CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (pages 21-24)

- A. **Pollution – Finding of Fact:** The application is for a mechanical building that is not manned and does not have any sanitary systems for human waste disposal.  
**Conclusion of Law:** In regards to the Criteria for Approval for Pollution, the applicant is in compliance. Ted so moved. Gootsch seconded. The motion passed unanimously.
- B. **Erosion – Finding of Fact:** The applicant has provided an Erosion Control Plan.  
**Conclusion of Law:** The development will not cause unreasonable soil erosion. Ted so moved. Gootsch seconded. The motion passed unanimously.
- C. **Traffic – Finding of Fact:** The project is located near the resort's ski trails and not near any highways or public roads.  
**Conclusion of Law:** The proposed project will not cause unreasonable highway or public road congestion. Bruce so moved. Ted seconded. The motion passed unanimously.
- D. **Sewage Disposal – Finding of Fact:** No wastewater systems are planned for this building.  
**Conclusion of Law:** Item D, Sewage Disposal, is not applicable. Gootsch so moved. Bruce seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal – Finding of Fact:** The proposed structure is an unmanned mechanical space that should not generate any solid waste.  
**Conclusion of Law:** This project will not be an unreasonable burden on the Town's ability to dispose of such solid waste. Ted so moved. Bruce seconded. The motion passed unanimously.
- F. **Aesthetic, Cultural and Natural Values – Finding of Fact:** There are no shorelines or historic sites near this project area, and since this is within the boundaries of the ski resort, any possible wildlife habitat would have already been displaced.  
**Conclusion of Law:** Item F, Aesthetic, Cultural and Natural Values, is not applicable. Gootsch so moved. Ted seconded. The motion passed unanimously.

- G. **Financial and Technical Capacity – Finding of Fact:** The overview of this application is being conducted by a licensed professional engineer and a professional engineer in training. The building is of modest size, and Sunday River Skiway Corporation and its parent company, Boyne USA, Inc. have sufficient financial ability to pay for this project.  
**Conclusion of Law:** The Criteria for G, Financial and Technical Capacity, has been met.  
Ted so moved. Gootsch seconded. The motion passed unanimously.
- H. **Sufficient Water – Finding of Fact:** This project is not using any water, and the project is not within the watershed of any pond or lake.  
**Conclusion of Law:** Items H., Sufficient Water; I., Public Water Supply; and J., Surface Waters, are not applicable to this application.  
Gootsch so moved. Bruce seconded. The motion passed unanimously.
- I. **Public Water Supply** – see item H. above
- J. **Surface Waters** – see item H. above
- K. **Ground Water – Finding of Fact:** The elevation of the proposed structure is halfway up Barker Mountain, and this building is being built on ledge.  
**Conclusion of Law:** The Criteria for Approval for K, Ground Water, is in compliance.  
Ted so moved. Gootsch seconded. The motion passed unanimously.
- L. **Flood Areas – Finding of Fact:** This project is not in a flood area; the project's elevation is above any flood zone. This project does not involve any freshwater wetlands, and it is not on a river, stream, or brook.  
**Conclusion of Law:** Items L, Flood Areas; M, Freshwater Wetlands; and N, River, Stream, or Brook, are non-applicable for this project.  
Bruce so moved. Ted seconded. The motion passed unanimously.
- M. **Freshwater Wetlands** – see item L. above
- N. **River, Stream or Brook** – see item L. above
- O. **Storm Water – Finding of Fact:** The size of the project is relatively small, and the applicant has submitted a Stormwater Management Plan.  
**Conclusion of Law:** Criteria for Approval O, Storm Water, is in compliance.  
Ted so moved. Gootsch seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited – Finding of Fact:** The proposed project is not a subdivision, nor does it have any shore frontage on a river, stream or brook.  
**Conclusion of Law:** Item P, Spaghetti-Lots Prohibited is not applicable.  
Gootsch so moved. Bruce seconded. The motion passed unanimously.
- Q. **Municipal Services – Finding of Fact:** The proposed building is an unmanned, mechanical space that will not generate any solid waste, liquid waste, nor place a burden on the Newry Fire Department.  
**Conclusion of Law:** The Criteria for Approval for Municipal Services is in compliance.  
Ted so moved. Bruce seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration – Finding of Fact:** This project is not within in watershed of Howard Pond, it does not abut an adjoining municipality, and this property has not been subject to liquidation harvesting.  
**Conclusion of Law:** Items R., Lake Phosphorous Concentration; S. Impact on Adjoining Municipality; and T, Land Subject to Liquidation Harvesting, are not applicable.  
Gootsch so moved. Bruce seconded. The motion passed unanimously.
- S. **Impact on Adjoining Municipality** – see item R. above
- T. **Land Subject to Liquidation Harvesting** – see item R. above
- U. **Conformity with Local Ordinances and Plans – Finding of Fact:** The Board reviewed this application and satisfied all questions in regards to Performance Standards.  
**Conclusion of Law:** The Board finds that this application is in conformity with local ordinances and plans, and therefore, this application is in compliance with the Criteria for Approval for item U.  
Ted so moved. Bruce seconded. The motion passed unanimously.

The Board discovered that they had not yet found this application complete. Therefore, **Ted made a retroactive motion to find the application complete. Bruce seconded. The motion passed unanimously.**

**Ted moved for the Newry Planning Board to give its approval of Application 25-287 to Sunday River Skiway Corporation for the Cascade Pumphouse. Gootsch seconded. The motion passed unanimously.**

*The audio recorder was paused while the Board proceeded to sign the final plans.*

The Recording Secretary noted that the Findings of Fact for this application will be prepared for review at the Board's next meeting.

**New Business** - None

**Findings of Fact**

- a) **Forget Development, LLC, Minor Subdivision on Monkey Brook Road, Application 25-285:** The Board proceeded to review the Findings of Fact and Conclusion of Law for Application # 25-285.

**Ted moved that the Board approve the Findings of Fact and Conclusions of Law for Application 25-285, a minor subdivision submitted by Forget Development, LLC, concerning a project on Monkey Brook Road. Bruce seconded. Following discussion, the motion passed unanimously. The Chair proceeded to sign the Findings of Fact with Gootsch signing as a witness.**

- b) **Timberline TH, LLC, Major Subdivision at 8 Timberline Road, Application 25-286:** The Board proceeded to review the Findings of Fact and Conclusion of Law for Application # 25-286.

**Bruce moved that the Board accept the Findings of Fact and Conclusions of Law for Application # 25-286, Timberline TH, LLC. Gootsch seconded. With no discussion, the motion passed unanimously. The Chair proceeded to sign the Findings of Fact with Gootsch signing as a witness**

It was noted that the 30-day clock, if the applicant chooses to appeal the Board's decision, begins tonight with the signing of the Findings of Fact and Conclusions of Law. Since this application was denied, the Findings of Fact for this application will be sent to Timberline TH, LLC via certified mail.

**Open Discussion**

- a) **Newry mines** – The Board discussed some Maine mines in recent newscasts. Gootsch mentioned that a Hanover Selectman approached him with concern about runoff into the Howard Pond. Discussion ensued. Ted stated that he will talk with the CEO about this when she returns from vacation.
- b) **Expiring Board Terms** – Ted mentioned to Gootsch that his term on the Board expires next month and asked him to contact the Town Administrator with his intention. The current Board appreciates Gootsch's knowledge and long history on the Board and hopes that he will continue to serve on the Planning Board.
- c) **Town Meeting** – 56 residents attended. All the warrant articles except one were passed. The Vacation Rental Ordinance failed – 40 opposed to 15 in favor. The revision to the UDRO, the new definition of "Town Road", passed – copies were distributed to Planning Board members to place in their UDRO binders.

**Next Scheduled Meeting** – The Wednesday, June 4, 2025, is tentatively cancelled pending the Chair's confirmation. If the 4<sup>th</sup> is cancelled, the Board will meet on the 18<sup>th</sup> of June.

**Adjournment** **Bruce moved to adjourn the Planning Board meeting of May 21<sup>st</sup>; Gootsch seconded. Motion passed with all voting in favor.** The meeting adjourned at 7:31 PM.