

NEWRY PLANNING BOARD
MINUTES OF REGULARLY SCHEDULED BOARD MEETING
Wednesday, July 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), TBD (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: Peter Roberts, Carson Deeds, Rick Dunton, Chris Kennison, Bruce Pierce

Call to Order: Chairman, Ted Baker, called the regular Planning Board meeting to order at 6:05 PM and proceeded with his opening statements.

Current Attendance/Quorum: The Chair took attendance and confirmed the presence of a quorum with himself and Gootsch in attendance. Rob was elevated as a voting member since the Board is now lacking a third full-board member.

Prior Attendance/Voting Eligibility: Meredith confirmed that she had listened to the audio recording and read the minutes, and she proceeded to sign an affidavit confirming such.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Gootsch moved to accept the minutes as written. Rob seconded. There was no discussion. The motion passed with all voting in favor.**

Correspondence Received:

a) Letter from Bruce Pierce announcing his retirement from the Board.

Old Business - none

New Business

a) **Locke Summit Preliminary meeting; Rick Dunton, agent; Chris Kennison of MalRy LLC:** Rick Dunton, of Main-Land Development Consultants, introduced Chris Kennison of MalRy, LLC and explained they are before the Board seeking the Board's opinion preliminarily in regards to Locke Summit Estates, which is a previously approved subdivision that is slated to start construction on the Newry side of the subdivision. One of the Conditions of Approval on the Plan is that fire suppression and protection is to be handled through onsite water storage cisterns. The originally approved plans showed the fire protection method as being sprinkler systems; however, in 2014, the applicant asked for an amendment to change the fire protection method to cisterns, and that amendment was approved. The applicant would now like to move back to sprinklered buildings. Rick noted, however, that this request to amend the application is dependent upon the estimated cost to do so, adding that the applicant is not interested in spending the tens of thousands of dollars that would be required to submit a full application just for this one change.

Discussion ensued regarding a cistern shown on the Bethel side of the approved final amended plan. The applicant stated that cistern was never constructed. It was noted that the Bethel Planning Board did not approve the prior amendment request to install cisterns and instead required that all buildings on the Bethel side of the development be sprinklered.

Ted clarified that there is only one application for this development. It's complicated because the development (and its application) crosses municipal borders, and the municipalities have agreed not to require joint meetings for certain items that basically affect one town or the other – the items are noted on a detailed list as part of that agreement.

The Board discussed the process for amendments. The Chair noted that an amendment requires that a full application to be submitted, and that the review process asks of the Board: Has the applicant submitted sufficient information for the Board's deliberation. During deliberation, the Board decides if the information meets the requirements of the ordinance.

Joelle addressed the applicant and his agent, and she recommended that they review Section 22 of the UDRO. She added that they may reach out to her with any questions.

The Chair recommended that the applicant supply the Board with enough evidence to carry out the applicant's burden of proof that the amendment being proposed is in compliance with the ordinance. The Chair pointed out that the last Criteria for Approval listed in the review process states "Is the applicant in compliance with existing ordinances of the Town and has no violations." In addition, the Chair advised that the applicant be sure that they are totally in compliance with the Conditions of Approval – all 20 of them.

- b) **South Ridge Bicycle Trails; Sunday River Skiway Corp.; Map and Lots R13/034 & R12/026:** Peter Roberts of Sunday River Skiway Corporations distributed bound copies of the application to the Board members.

The Chair stated for the record that this is a Site Plan review.

FINDINGS of FACT – The UDRO Section 1.C.2.c. states that activity that has been inactive for two years or more requires a site plan application; the applicant confirmed that the previously proposed Sunday River Bike Park has been dormant for more than 2 years.

CONCLUSION of LAW – The Planning Board has jurisdiction.

Gootsch moved that the Planning Board has jurisdiction over the review of this application for the Sunday River Bike Park. Rob seconded. With no discussion, the motion passed unanimously.

FINDINGS of FACT – The applicant has provided reference to the Oxford County Registry of Deeds Book 4213/Pg 187, specifically Schedule A Parcel 1 of that recording, and also a separate recording in the OCRD Book 1095/Pg 104, which is a lease between the applicant and the owner of the parcel, #R12-26, commonly known as the Penley Lease.

CONCLUSION of LAW – The applicant has standing.

Gootsch moved that the applicant has standing on this application. Rob seconded. With no discussion, the motion passed unanimously.

FINDINGS of FACT – A letter from Brian Heon, General Manager of Sunday River Skiway Corporation, dated April 23, 2025, providing authorization for Peter Roberts to represent Sunday River Skiway Corporation in front of the Newry Planning Board.

CONCLUSION of LAW – Peter Roberts has agency to represent the Sunday River Skiway Corporation in front of this Board in the matter of the Sunday River Bike Park Trail application.

Gootsch moved that Peter Roberts has agency to represent Sunday River Skiway Corporation in the matter before the Board. Rob seconded. The motion passed unanimously.

FINDINGS of FACT – The Chairperson, Ted Baker, is an employee of Sunday River Skiway Corporation; however, he has significantly less than 10% interest in the Sunday Rive Skiway Corporation and even less interest in its parent company, Boyne USA, Inc., and therefore, per 30-A MSRA Section 2605, he does not have a financial conflict of interest. He also has no blood relations, family relations, or other intimate relations with any member of Sunday River; and therefore, he does not have a bias. Meredith stated that she is also an employee of Sunday River, and

has less than 10% ownership, (no ownership) and no bias. Rob and Gootsch stated that they have no association with the applicant. The record shows that Board members have disclosed their affiliation with Sunday River if one exists, and no bias is determined to exist, and that the applicant does not wish to contest that fact.

In response to the Chair's question, the applicant stated that he would like to allow the alternate Board members, the CEO and the Recording Secretary to participate in discussion during the review of this application.

The Board discussed the possibility of requiring a third-party engineer/consultant. **Following that discussion, Gootsch moved that no additional fee is required for a third-party engineer. Rob seconded. With no further discussion, the motion passed unanimously.**

Peter proceeded to explain the history of a mountain bike park at Sunday River and spoke about the resort's plan to create a new bike park in the future. The plan is to start with some bicycle trails in the South Ridge area below the top of Lift 2 (South Ridge Quad) as shown on the map that was submitted with the application. Peter noted that he's done a preliminary hike around the area with Joelle. Peter stated that the plan at this point is to do two or three bike trails in that area and, in addition, possibly rake and restore one or two of the existing trails from the past bike park. These bike trails would be serviced by Lift 2. The resort would also like to do a children's/Learn-to area near the magic carpets – Conveyors/Lifts 16 & 17. Peter spoke of applying to permit one pod at a time and then coming back before the Board with a new application when the resort is ready for expansion.

Peter talked about the law passed by the legislature a few years ago which removed the requirement for getting permits from the State for hiking, biking, and ATV and snowmobile trails. Peter noted that, however, the resort is under the Site Location for Development Act which is a permit for larger construction sites. This site law has exemptions that allow the resort to do a certain amount of expansion each year without applying for a State DEP permit. Peter explained that in this first phase of the bike park, he does not expect to exceed the limit that would require a DEP permit. He reached out to a few folks at DEP to make them aware and asked them if they had any comments. They only replied with a thank you for the information.

Discussion ensued regarding the plan to begin with trails that are suitable for children and families, as well as the history and size of the resort's older bike park.

Peter stated the resort had hoped to begin construction by the end of July, but that the funding has not yet been approved at the corporate level. Therefore, he expects construction to be pushed to next year or possibly the year after.

The Chair asked Peter to consider submitting a rewritten application as a phased development. During discussion and negotiation of phasing, the Board and applicant referred to Section 3.E. of the UDRO and discussed estimated costs. The group discussed a "pay as you go" scenario regarding the application fee. The applicant would pay the initial fee of \$250 plus one-tenth of 1% of construction cost for Phase 1. Thereafter, the applicant would come before the CEO prior to the start of each subsequent phase to pay the application of just one-tenth of 1% of the construction cost for said phase. With the phasing agreement negotiated, it was decided that Peter would come back before the Board with a revised application for the phased development.

In terms of inspections, Joelle confirmed that Carson Deeds, of Sunday River, has been diligent in supplying her with the required reports during recent trail constructions, and she feels confident that this diligence will continue with the new bike park trails.

The group discussed a "required" section of the application in 10.2 that is not completed. During this discussion, it was noted that the fillable pdf is difficult to fill in some areas – perhaps a compatibility issue with certain programs.

Ted summarized the status of the application – it has not yet been found complete; the Board has discussed and negotiated a phasing plan; the applicant has agreed to come back with an amended application, which will be reviewed August 6th; the application fee is still pending; the application has been assigned # 25-288.

Two waivers were requested by the applicant:

- 1) An abbreviated list of abutters – Peter explained that the Phase 1 bike trails will be fairly close to a few of the condo associations, and therefore, he'd like to notify abutters that are within 1,000 feet from the project site. Peter feels that since future phases are planned toward the northwest direction (away from civilization), the abutter list will not increase for future phases. The Plan referenced for abutter notification is titled "Lift 2 Trail Pod" and is numbered 1 of 3.
 - It was noted that there is an error on the abutter's list – one address is incorrectly noted as "East Greenwich, ME". Joelle made note and will have it corrected on the Town's website.

Ted moved that the applicant's request to modify the abutter's list to those abutters that are within 1000' of the proposed project site, as opposed to the parcel boundary, be granted. Gootsch seconded. With no further discussion, the motion passed unanimously.

- 2) Performance Guarantee

FINDING of FACT – Per Section 23 of the UDRO, states that Performance Guarantees are required for major and minor subdivisions. This section does not mention site plans, which infers that the Board may waive Performance Guarantees for site plans.

Ted moved to approve the waiver request to not require a Performance Guarantee on this application. Gootsch seconded. With no discussion, the motion passed unanimously.

The application was tabled pending revisions to the application by the applicant. Application # 25-288 is tabled until August 6th.

The group discussed having Peter expand on his comment in form 10.1 regarding statement of interest the applicant has in the parcel so that a copy of the deed and Penley lease need not be included with every application submitted by Sunday River.

Findings of Fact - none

CEO Reports - none

Open Discussion

- a) With no new business for July 16th, and in lieu of the fact that there is a public Board of Appeals hearing in the Town's meeting room beginning at 5pm on the 16th, there will be no Planning Board meeting that evening.
- b) Rob spoke about his research in software for recording the audio of Planning Board meetings. He found a subscription for something that would have improved sound quality, but he does not know the cost, just yet.

Brooks added that he spoke with the Town's IT guy, and they discussed putting in a permanent camera in the meeting room. Joelle asked as to whether the recordings could be downloaded on to the Town's computer since these meetings are considered legal proceedings. Joelle explained that the Town Administrator needs to be part of this conversation since this upgrade was not budgeted for this year. Concern was also expressed regarding the audio/video files being secure for legal purposes if they are stored on YouTube.

- c) Bruce was thanked once again for his service, and Rob and Meredith were asked to think about filling the open full-Board seat. The whole group was also asked to spread the word to help find someone to fill the open position on the Board (be it as a full-Board member or as an alternate).

Next Scheduled Meeting – Wednesday, August 6, 2025

The Board will not meet on July 16th. Board members were reminded that there is an active Appeal on Application 25-286. They were asked not to discuss that application amongst themselves, with others, the news media, etc.

Adjournment Gotsch moved to adjourn; Rob seconded. Motion passed with all voting in favor. The meeting adjourned at 7:38 PM.

APPROVED