

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, September 3, 2025**  
**Raymond C. Foster Municipal Building**

*Full discussion on the topics below is available on audio recording at the Newry Town Office.*

**Members Present:** John (Gootsch) Gauthier, Board Vice Chair; Heidi Marotta, Board Secretary;  
Meredith Harrop, Alternate; Rob Kates, Alternate

**Members Late:**

**Staff Present:**

**Members & Staff Absent:** Edward (Ted) Baker, Board Chair; Joelle Corey, Code Enforcement Officer;  
Becky Bean, Recording Secretary

**Public Attendees:** Gregory Braun, attorney for the Newry Planning Board; Rick Dunton; John Marotta;  
Brooks Morton; and David Goldman, applicant's attorney

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**Call to Order:** Vice Chair, John (Gootsch) Gauthier, called the meeting to order at 5:59.

**Current Attendance/Quorum:** The Vice Chair took attendance and confirmed the presence of a quorum.

**Prior Attendance/Voting Eligibility:** With no recent absences of those in attendance, the full Board members are eligible to vote.

Heidi moved that both Rob and Meredith be raised to voting members for the Special Board Meeting minutes approval, the meeting held Wednesday, August 20, 2025. With no second, this motion dies.

**Meredith clarified that Rob would need to be raised as a voting member for the whole meeting in Ted's absence, and Meredith would need to be raised as a voting member during the vote on the minutes of the Board's Special Meeting held August 20, 2025. Heidi so moved, and Gootsch seconded. The motion passed unanimously with Heidi and Gootsch voting in favor.**

**Previous Meeting's Minutes:** The Board reviewed the minutes of the Board's Special Meeting on August 20, 2025. **Rob moved to accept the minutes as written. Gootsch seconded. There was no discussion. The motion passed with Rob and Gootsch voting in favor; Heidi abstained since she did not attend the Special Meeting.**

The Board reviewed the minutes of the Board's regularly scheduled meeting on August 20<sup>th</sup>. **Gootsch moved that the minutes for the regularly scheduled Planning Board meeting of Wednesday, August 20, 2025, be approved as written. Rob seconded. With no discussion, the motion passed with Rob, Gootsch and Heidi voting in favor.**

**Correspondence Received:**

- a) Engineering Review Memorandum from Will Haskell, P.E. of Gorrill Palmer to Joelle Corey, Newry CEO; dated August 29, 2025; Subject: Major Subdivision Application; Project: The Village at Timberline; Applicant: Timberline TH, LLC. This 3-page document with 19 different responses concerning Application 25-286. This document will become part of the record of the proceedings as it relates to Application # 25-286.
- b) Response to Third Party Review Comments for The Village at Timberline; Prepared by: Main-Land Development Consultants, Inc.; dated Sept 2, 2025. This 4-page document, which is signed and stamped by Richard Dunton, Professional Engineer, will become part of the record of the proceedings as it relates to Applications # 25-286.
- c) Resubmittal of Village at Timberline Cover Letter; Prepared by Main-Land Development Consultants, Inc.; dated August 22, 2025 – 2 pages, signed and stamped by Richard Dunton, PE. Submitted with the Cover Letter is:
  - 1) Town of Newry Major Subdivision Application, The Village at Timberline, Prepared by MLDC for Timberline TH, LLC; REV: August 21, 2025;
  - 2) Form 10.2 – signed and dated 8/21/2025;

- 3) Fire Protection Statement REV: 8/21/2025;
- 4) Form 10.3 signed and dated 8/22/2025;
- 5) Form 10.4 signed and dated 8/21/2025;
- 6) Drawing S1.1, Existing Conditions Survey, signed and stamped by Timothy Gallant, Land Surveyor, dated 3/18/2025.
- 7) Drawing C0.0, Cover – signed and stamped by Rick Dunton, and dated 9/2/2025
- 8) Drawing C2.1, Site Layout Plan – signed and stamped by Rick Dunton, and dated 9/2/2025
- 9) Drawing C3.1, Grading & Erosion Control Plan – signed and stamped by Rick Dunton, and dated 9/2/2025
- 10) Drawing C4.1, Utility Plan – signed and stamped by Rick Dunton, and dated 9/2/2025
- 11) Drawing C9.2A, Details Sheet – signed and stamped by Rick Dunton, and dated 9/2/2025
- 12) Drawing D2.1, Post-Development Drainage Plan – signed and stamped by Rick Dunton, and dated 9/2/2025
- 13) Routing Diagram for 24-289 Post-REV4; prepared by Main-Line Development Consultants, printed 8/13/2025 – 57 pages.

### **Old Business**

- a) Sunday River Skiway Corp., South Ridge Bicycle Park, Application #25-288; review Findings of Fact and Conclusions of Law:

Meredith recused herself from this portion of the meeting because she is an employee of Sunday River.

Heidi also recused herself from this portion because she was not at the initial meeting or the initial review of the Findings of Fact.

**Rob moved that the Findings of Fact and Conclusions of Law for Application 25-288 for the Sunday River South Ridge Bicycle Trails are correct and approved. Gootsch seconded. Rob and Gootsch voted in favor, and the motion passed.**

**Gootsch signed two copies of the document, and Rob Kates signed as witness.**

Meredith returned to the meeting.

**At 6:17pm, Heidi moved to elevate Meredith as a voting Board member for Application # 25-286, and Heidi then proceeded to recuse herself. Rob seconded the motion. Rob and Gootsch voted in favor and the motion passed.**

- b) De-Novo Review of Timberline TH, LLC; The Village at Timberline Site Plan and Subdivision Application # 25-286, presented by Rick Dunton, Main-Land Dev. – 11 dwelling units: Rick Dunton, introduces himself, and had those in attendance regarding this application introduce themselves for the recorder: David Goldman, attorney for the applicant; and John Marotta, the applicant. Rick proceeded to explain and clarify the documents that have been submitted and those that were read into the record at this meeting earlier.

When referring to the Site Plan drawing, Rick noted that the number of units & buildings remain the same – 3 buildings with 11 units. The plan includes 28 exterior parking spots and 11 spots in garages, as well as 3 spaces required by deed to be reserved for the previous owner, and reserved parking for Timberline TH, LLC. Retaining walls between building and on-site stormwater management is still planned.

The items that have changed since the previous submittal include: 1) there is now one access road for the development at the existing entrance location that intersects Timberline Road; 2) there is no longer vehicle access to the back of the units; patios will be added in that location instead; 3) driveways will replace centralized parking in order to meet the standard in the UDRO.; and 4) the size of the stormwater pond has changed a bit.

The landscape fence remains to provide screening between neighbors and abutters.

Rick noted that the third-party review comments resulted in a few additional changes such as 1) underdrain outlet locations are now shown on the plans; 2) a sediment four-bay for the pond rather than a sediment collection swale; 3) details for the yard drains have been provided; and 4) retaining wall details have been added along with a note requiring design by a Maine PE.

David Goldman added that there were only a handful of items from the original application that were found to be issues from the perspective of the Planning Board. He believes that the changes bring the application into compliance with the ordinance.

In response to the Vice Chair's question regarding the access to Lot 3, Rick explained that this access is no longer part of this project development. No changes will be made to the way that access is currently used by Sunday River.

Rob asked about the wireless tower that is currently on the property. John Moratta stated that the tower will probably be removed by Christmas; it was supposed to be a temporary tower and AT&T has already begun work to remove it. Rob noted that the removal of the tower should be made as a condition of approval.

Discussion ensued regarding the entrance off Timberline Road, the parking shown on the Site Map, and the Real Estate building currently on the property.

A hammerhead, which meets UDRO standards and dimensions, has been included in the plan providing an area to turn a fire truck around if needed.

The Board proceeded with their review of the application.

David Goldman stated that there had been a previous finding that this application is complete, and although there have been amendments and modifications, it is generally in line with the original plan. Therefore, to the extent that it appears that this project is substantially the same even with the amendments, the Board would still find this application to be complete and just move on to performance standards and criteria for approval. Gootsch confirmed with David that this is in line with the de-novo method. David read from the Appeals Board's findings of fact on page 5, paragraph 3: "The Planning Board may take additional evidence as needed, and will decide anew, whether the application meets the Town ordinance standards. The applicant may submit revised project plans and any new evidence for this consideration. On remand, the Planning Board shall consider and make Findings of Fact and Conclusions of Law on all necessary standards under the UDRO."

Meredith stated for the record that she is an employee of Sunday River, which is an abutter to this project; however, Meredith added that she has no bias.

Rob noted that the application fee has been paid, and the escrow has been collected.

It was also noted that the waiver has already been voted on and approved.

Discussion ensued regarding a site visit. **Gootsch moved that a site visit will not be held for this project. Rob seconded, and the motion passed with Gootsch, Rob and Meredith voting in favor.** It was noted that a site visit was held previously.

Regarding a public hearing, Greg Braun made a point of order stating that the ordinance requires that the Planning Board have one Public Hearing on this application. The Board already had that Public Hearing, and he does not believe that the Board is required to have a second Public Hearing. He added that it is not uncommon for a Planning Board, where an application has substantial changes – significant enough that the general public or abutters may have comments or opinion on the changes, to allow for the general public to come in and express

those concerns. This is a judgment call on the Board's part, the Board is not obligated to hold the second Public Hearing. Greg added that if he were to give any guidance on this decision, he would base it on the level of attendance at tonight's meeting and the level of feedback received leading up to tonight.

Following discussion, **Rob moved that the Board does not need to hold another Public Hearing. Gootsch seconded, and the motion passed unanimously with Gootsch, Rob, and Meredith voting in favor.**

In response to Gootsch question regarding Performance Guarantee, Rob noted there's no change in financing except this project is no longer being presented as a phased plan, and a letter from the bank has been received.

The group discussed reviewing performance standards and conditions of approval. Rick noted that they've submitted forms 5.1 and 13.1 Criteria of Approval and Performance Standards Review with the application's opinions on those items to assist the Board in their review. However, Board members stated that they did not receive those forms. Rick stated that he sent it to Joelle for distribution. The applicant and his attorney had paper copies at the meeting and shared their copies with the Board.

Gootsch stated that considering the new information that was submitted tonight, he would like to put this review on hold until the next meeting.

Before tabling this review, Rob asked about historical and archeological sites. Following discussion, Greg Braun pointed out that the Town Ordinance distinguished between the two, and Historical Locations item V under the UDRO's Performance Standards, speaks specifically to whether any historic sites identified in the Town's Comprehensive Plan location at this project site, and that item U., Archeological Sites, speaks to the National Registry of Historic Places and with the Maine Historic Preservation Commission, from which a letter was included in the application packet.

Discussion ensued regarding topsoil and loam.

Rick noted that the plan does not at this time include any entrance sign.

Gootsch asked the applicant to include on map C3.1 a dimension for the distance from the entrance to the intersection. Rick stated that from the centerline of the intersection of Timberline Road and Skiway Road to the entrance of the project is 105 feet. Rick noted that during the initial review of the project the distances between intersections and entrance roads needed to be a minimum of 300'. However, there is no spot on the lot in question that is 300' from an existing intersection. Therefore, there would be no way to access the lot with that requirement. Rick added that Chairman had noted in his finding was that the applicant had an existing entrance on Timberline Road, which was acknowledged, and that the assumption of this plan is that the existing entrance can be maintained.

David Goldman added that there is an existing non-conforming entrance, and the applicant is not changing that – they are not making it more non-conforming.

Greg Braun added that if there is a non-conforming use, structure, or aspect of this property, and the applicant plans to modify that use/structure/aspect, he recommended that the Board include the non-conformity and what effect this application has on that non-conformity in the final Findings of Fact. To wit, if this roadway is non-conforming, he would include what effect it has on the non-conformity – does it increase it, does it decrease it, or is there no effect whatsoever.

Gootsch spoke about the 24' entry way. Rick explained that the access way is an access drive to parking and not to dwellings. It doesn't meet the definition of a road in the UDRO and therefore doesn't need to have the 300' separation. Discussion ensued amongst the Board and those in attendance. Greg Braun offered to investigate this definition and follow up with the Board at a later date. Discussion continued.

Rob asked if there is anything in the condominium agreement regarding home occupations. John Moratta stated that home occupations are not permitted. He will look through the condominium association documents to confirm and stated that he will add that language if it is not already included.

Gootsch asked Rick what percentage of the lot is covered with impervious surfaces. Plan C2.1 notes that it is 48%.

The Vice Chair stated that in light of the documents that were presented to the Board tonight, he purposed to table this review until the next meeting. He noted that the next meeting is supposed to be held the 17<sup>th</sup> of September; however, Rob has already notified the Board stating that he is not able to attend that meeting. Meredith confirmed that she can attend that evening.

The Board discussed the possibility of scheduling the next Board meeting on September 24<sup>th</sup>.

The Board also discussed having Gorrill Palmer review the Response to Third-Party Review Comments prepared by Main-Land Development dated Sept 2, 2025.

**Meredith moved that the Board table this Application 25-286 and have Gorrill Palmer review the response to their study from Main-Land dated September 2<sup>nd</sup>. Rob seconded. The motion passed with all three Board members voting in favor.**

Discussion ensued regarding the Board meeting regularly scheduled for September 17<sup>th</sup>. Meredith confirmed that she can attend September 24<sup>th</sup> or October 1<sup>st</sup>.

Both attorneys noted that the Board of Appeals said that one member, the Planning Board Chair, had to recuse himself from review of this application, and an alternate member raised to voting status. However, the Appeals Board did not say that there must be three voting members at each meeting reviewing this application. Per the Planning Board's Bylaws, a quorum is met with two Board members; having three voting Board members is at the discretion of the Board.

**Gootsch moved that the next meeting is on the 24<sup>th</sup> if the Board can make it; if not, then the 1<sup>st</sup> of October. Rob seconded. The motion passed with all three members voting in favor.**

**Open Discussion** - none

**Next Scheduled Meeting** – Wednesday, September 24<sup>th</sup> or October 1<sup>st</sup>, 2025

**Adjournment** Rob moved to adjourn; Gootsch seconded. Motion passed with all voting in favor. The meeting adjourned at 7:35PM.