

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, September 24, 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; Meredith Harrop, Alternate; Rob Kates, Alternate

**Members Late:**

**Staff Present:** Joelle Corey, Code Enforcement Officer; Becky Bean, Recording Secretary

**Members & Staff Absent:** Edward (Ted) Baker, Board Chair; Heidi Marotta, Board Secretary

**Public Attendees:** David Goldman; Rick Dunton; Brooks Morton

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**Call to Order:** Vice Chair, John Gauthier, called the meeting to order at 6:01 PM.

As Vice Chair, Gootsch elevated both Rob Kates and Meredith Harrop as voting members for this meeting.

**Current Attendance/Quorum:** The Vice Chair took attendance and confirmed the presence of a quorum with Rob and Meredith elevated as voting members.

**Previous Meeting's Minutes:** The Board reviewed the previous meeting's minutes; **Meredith moved to accept the minutes as written.** There was discussion regarding whether Application #25-286 needed to be found complete again or not. David Goldman spoke of his recollection of this topic from the previous meeting. The recording secretary pointed out where that discussion was noted in the minutes of the September 24<sup>th</sup> meeting on page 3. **Following discussion, Rob seconded Meredith's motion, and with no further discussion, the motion passed with all voting in favor.**

**Correspondence Received:**

- a) Engineering Review Memorandum to Newry CEO from Will Haskell of Gorrill Palmer; dated September 9, 2025; Subject: Major Subdivision Application; Project: The Village at Timberline; Applicant: Timberline TH, LLC.
- b) Email from CEO to Rick Dunton of Main-Land and John Marotta; dated Sept 17, 2025, RE: Density calcs for Timberline TH LLC and Main-Land's response dated Sept 18, 2025, with David Goldman copied and Main-Land's internal tracking # added to the subject line: "RE: Density calcs for Timberline TH LLC 24-289". This email correspondence was read aloud for the record.

**Old Business**

- a) 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 of Main-Land explained that he does not have much to add since they had submitted the applicant as well as recommended revisions based on comments from the CEO and from Gorrill Palmer, which were addressed at the previous meeting. He stated that the only new information is the correspondence that has been read into the record.

Following discussion, the Board proceeded to review the application for completeness.

**Rob moved that Section 10.1 of this application, 25-286, is complete; Meredith seconded. The motion passed unanimously.**

**Rob moved that Section 10.2 of Application 25-286 is complete; Meredith seconded. The motion passed unanimously.**

**Rob moved that Section 10.3 of Application 25-286 is complete; Meredith seconded. The motion passed unanimously.**

**Rob moved that Section 10.4 and thus the full application is complete; Meredith seconded. The motion passed unanimously.**

**Meredith moved that Application 25-286 is found fully complete on September 24; Rob seconded. The motion passed unanimously.**

The Board proceeded to review Performance Standards, Section 13 of the UDRO (pages 65-120).

- A. **Conformance with Comprehensive Plan** – Rob moved as a Finding of Fact, that this is a residential subdivision in the Resort Development District and so it conforms with the Comprehensive Plan and thus, complies with Section A of the Performance Standards. Meredith seconded the motion, and the motion passed unanimously.
- B. **Municipal Services** – Gootsch moved that B., Municipal Services, has been met under the auspices of a letter headed Town Capital and Operating Expenses Statement in Section 10.4. of the application; Rob seconded. The motion passed unanimously.
- C. **Preservation and Enhancement of the Landscape** – Rob moved as a Finding of Fact, the plans include trees and other screens such as fencing to shield development as well as preserving existing tree line at the back of the lot, and thus complies with Section C. Meredith seconded. The motion passed unanimously.
- D. **Relation of Proposed Buildings to Environment** – Rob moved that in terms of relations of buildings to environment, the Finding of Fact is that the proposed plans are 31' tall residential buildings, and thus, there is no concern with relation of proposed buildings to the environment and thus complies. Meredith seconded. The motion passed unanimously.
- E. **Land Not Suitable for Building** – Rob moved that as a Finding of Fact for Section E, there is no land below the highwater mark of any waterbody, and no waterbodies, no land in the floodplain, no permanent road easements, no drained wetlands, no significant wildlife habitats identified by the Maine Dept of Inland Fisheries and Wildlife and thus, Section E complies. Gootsch seconded, and the motion passed unanimously.
- F. **Topsoil and Vegetation Removal** – Rob moved as a Finding of Fact for Section F, that per the plan, topsoil is not to be removed as part of the development plan, and the plan includes erosion control plans for the erosion issues included in the proposal, and because this development is not within the shoreland zone, Section F complies. Meredith seconded, and the motion passed unanimously.
- G. **Erosion and Sediment Control** – Rob moved that included in this proposal is Grading and Erosion Control Plan C3.1 is included with the application and has been approved by Gorrill Palmer as the third-party engineer, and thus, Section G complies. Gootsch seconded, and the motion passed unanimously.
- H. **Stormwater Management** – Rob moved for Section H Finding of Fact, that a Stormwater Management Plan has been submitted with the application, and also has been approved by Gorrill Palmer, third-party engineer, and thus, Section H, Stormwater Management complies. Gootsch seconded. The motion passed unanimously.
- I. **Borrow Pits** – Rob moved as a Finding of Fact for Section I that there are no Borrow Pits on this site, and therefore, Section I is not applicable; Meredith seconded. The motion passed unanimously.
- J. **Site Conditions** – Rob moved as a Finding of Fact that Site Conditions, as per the plan will be monitored by the CEO during construction and no change in elevation or contours are in the proposed plan, and thus, Section J complies. Meredith seconded. The motion passed unanimously.
- K. **Plumbing** – Rob moved as a Finding of Fact for Section K, Plumbing, that the Utilities Plan shows the sewage disposal is the Sunday River facility and no septic field will be included, and thus, Section K, Plumbing, complies. Gootsch seconded, and the motion passed unanimously.
- L. **Water Supply** – Rob moved as a Finding of Fact that per the plan, new wells and connections are shown on the Utilities Plan and a hydrogeologist review has been included, and therefore, Section L, Water Supply complies. Meredith seconded. The motion passed unanimously.
- M. **Utilities** – Rob moved for Section M, Utilities, Finding of Fact that the above ground utility installations, which are transformers shown on plan S2.1 for between the buildings and the back tree screen and thus mostly hidden, and the utility plan shows all the utilities and shows the lighting also shown on Plan S2.1, and the

lighting type is described with the downward facing non-intrusive LED fixtures, and therefore, Section M, Utilities, complies. Meredith seconded. The motion passed unanimously.

- N. **Sign Standards** – Rob moved that as a Finding of Fact, Section N, Sign Standards, complies because there are no signs permitted at this time. Gootsch seconded. The motion passed unanimously.
- O. **Lighting Design Standards** – Rob moved as a Finding of Fact for Section O, that the plan includes the lighting location and type; the manufacturer specifications are included, and down-facing parking lot lighting will be used, which will meet the undue glare and minimize impact on neighboring properties standards, and thus, Section O, Light Design Standards, complies. Meredith seconded. Rob amended his motion to add as a Finding of Fact that the lighting standards of the buildings are also specified in the standards. Meredith seconded the amended motion, and the motion passed unanimously.
- P. **Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials** – Rob moved as a Finding of Fact that these are residential buildings and with no dust, fumes, vapors, gases, odors, glare or explosive materials, and thus Section P, does not apply. Meredith seconded. The motion passed unanimously.
- Q. **“Reserved”**
- R. **Refuse Disposal** – Rob moved as per the plan, as a Finding of Fact, construction refuse is handled as per the development plan, and the application specifies the use of a private company’s solid waste dumpsters and hauling for buildings once constructed, and therefore Section R, Refuse Disposal complies. Gootsch seconded. The motion passed unanimously.
- S. **Protection of Significant Fisheries and Wildlife Habitat** – Rob moved as a Finding of Fact for Section S, that the Maine Department of Inland Fisheries and Wildlife has confirmed there is no fishery or wildlife impacted on this lot, and therefore, Section S complies. Gootsch seconded. The motion passed unanimously.
- T. **Scenic Locations** – Rob moved that Section T, Scenic Locations, does not apply. Meredith seconded. The motion passed unanimously.
- U. **Archaeological Sites** – Rob moved as a Finding of Fact that the Board has received a letter with a stamp from the State’s Historic Preservation Officer, stating there is no impact to historic locations or archaeological sites, therefore, Section U, Archaeological Sites, does not apply. Meredith seconded. The motion passed unanimously.
- V. **Historic Locations** – Rob moved for Section V, that like with Section U, the Board has received a letter with a stamp from the State’s Historic Preservation Officer, stating there is no impact to historic locations, and therefore, Section V, Historic Locations, does not apply. Meredith seconded. The motion passed unanimously.
- W. **Agricultural Protection Buffer Strips** – Rob moved that for Section W Finding of Fact, that there is no agricultural uses existing or proposed, and therefore, Section W, does not apply. Meredith seconded. The motion passed unanimously.
- X. **Vehicular and Pedestrian Traffic** – Rob moved for Section X, Finding of Fact, that the existing non-complying entries will be maintained, they are closer than 300’ to the intersection, with no new entries or roads to be made; access to the main lot is off of the less busy road as per the Ordinance, and therefore, Section X complies maintaining the existing non-complying entries. Meredith seconded. The motion passed unanimously.
- Y. **Ground Water Protection** – Rob moved that for Section Y Finding of Fact, the application includes a soil statement and a ground water supply statement from Scott Dixon, Certified Geologist, asserting there are no issues with the ground water for this application, and therefore, Section Y complies. Gootsch seconded. The motion passed unanimously.
- Z. **Noise** – Rob moved that for Finding of Fact for Z, Noise, these are residential buildings, and no expected noise issues once constructed, and the construction phase compliance will be enforced in the development plan by the CEO, and therefore Section Z, Noise, complies. Meredith seconded; the motion passed unanimously.
- AA. **Buffers and Screening Standards** – Rob moved for a Finding of Fact for Section AA, that the application shows buffers and screens along the edge of the lot to meet various criteria of buffers and screening standards, and therefore, the application for Section AA complies. Meredith seconded. The motion passed unanimously.
- AB. **Home Occupations** – Gootsch noted as a Finding of Fact that Home Occupations are not allowed under condo covenants and moved that Section AB, Home Occupations, has been met. Rob seconded. The motion passed unanimously.

- AC. **Life Safety and Fire Suppression** – Meredith moved that in the application there is a statement dated 2.14.2025 that says that the units will have fire protection sprinklers in accordance with the NFPA 25 and 72 code requirements; the motion was amended to per the revision dated 8.21.2025, fire protection for the project will be provided via sprinklers systems which will be designed to meet NFPA 13R per the UDRO. Gootsch seconded. The motion passed unanimously.
- AD. **Commercial Wind Energy Facilities** – Rob moved as a Finding of Fact, that Section AD, that there is no commercial wind energy or any wind energy at this project, and therefore, this Section AD does not apply. Gootsch seconded. The motion passed unanimously.
- AE. **Mineral Exploration or Extraction** – Rob moved as a Finding of Fact that there is no mineral exploration involved in this project and therefore, Section AE does not apply. Gootsch seconded. The motion passed unanimously.
- AF. **Wireless Telecommunications Facilities** – Rob moved as a Finding of Fact for Section AF, that while there is an existing non-conforming tower on the lot, it is part of the plan that this tower will be removed, and so, as part of the plan, there will end up being no wireless telecommunications towers and thus, this project complies with Section AF. Gootsch seconded. The motion passed unanimously.
- AG. **Solar Energy Systems** – Rob moved that as a Findings of Fact, there are no solar energy systems included in this project, and therefore, Section AG does not apply; Meredith seconded. The motion passed unanimously.
- AH. **Recreational Lodging Facilities** – Rob moved as a Finding of Fact for Section AH, that this subdivision does not the definition of recreational lodging facility, and therefore, this section does not apply. Meredith seconded. The motion passed unanimously.

The Board proceeded to review the Criteria for Approval.

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

- A. **Pollution** – Rob moved as a Finding of Fact that 1) the elevation is not in a flood plain, 2) the application specifies a sewage connection to Sunday River's so sewage disposal is not an issue, 3) since sewage is not being disposed via septic, no impact on the slope of the land, 4) no streams on the lot, and 5) the application meeting engineering criteria as attested by the engineers for health and water resource rules, and therefore the criteria for approval is in compliance. Meredith seconded. The motion passed unanimously.
- B. **Erosion** – Rob moved for a Finding of Fact that the application's erosion control plan as attested by engineers will no cause unreasonable soil erosion and thus, B, Erosion, is in compliance. Gootsch added as an additional Finding of Fact that there is a stormwater modeling plan for this project. Meredith seconded. The motion passed unanimously.
- C. **Traffic** – Rob moved for a Finding of Fact that the proposed level of approximately 70 trips per day as specified, this project will not cause unreasonable congestion; also that entrances onto Skiway Road and Timberline Road, while non-compliance due to less than 300' from the junction, are existing currently and thus the application is not creating new con-compliant entrances, and this Section C, Traffic, is in compliance. Gootsch seconded. The motion passed unanimously.
- D. **Sewage Disposal** – Rob moved as a Finding of Fact for Section D that the application specifies sewage via connection to existing Sunday River sewage system and so will not impact municipal services and so is in compliance. Meredith seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal** – Rob moved for a Finding of Fact that Section E that the application specifies the use of a private dumpsters and contractors for solid waste disposal, and so not impacting town solid waste disposal, and so is in compliance. Gootsch seconded. The motion passed unanimously.
- F. **Aesthetic, Cultural and Natural Values** – Rob moved for a Finding of Fact for Section F that as specified in letters from the Maine Department of Inland Fisheries and Wildlife will not have impact on wildlife habitat, as specified by a letter from the Maine Historic Preservation Committee will not have impact on historic sites, is not located on a shoreline so no impact to physical or visual shoreline access, and is in the Resort District so it is in compliance with the Comprehensive Plan, and so Section F is in compliance. Gootsch seconded. The motion passed unanimously.

- G. **Financial and Technical Capacity** – Rob moved as a Finding of Fact that as specified in a letter from Franklin Bank, the applicant has financial capability, and given the support from an experienced firm for design and engineering, the applicant has technical capability, and so is in compliance. Gootsch seconded. Discussion ensued regarding the technical capacity requirement in general. The motion passed unanimously.
- H. **Sufficient Water** – Rob moved for a Finding of Fact that a hydrogeologist provided estimate of well yields for new wells specified as part of the plan and thus is in compliance. Meredith seconded. The motion passed unanimously.
- I. **Public Water Supply** – Rob moved for a Finding of Fact that for Section I, Public Water Supply, as specified in the application new private wells will be used, so no impact on public water supply, and so Section I does not apply. Meredith seconded. The motion passed unanimously.
- J. **Surface Waters** – Rob moved for a Finding of Fact for J, Surface Waters, that since the development is not within 200 feet of any defined body of water, there is no surface water impact, and thus does not apply. Meredith seconded. The motion passed unanimously.
- K. **Ground Water** – Rob moved for a Finding of Fact on K, Ground Water, that the hydrogeologist specified no unreasonable impact to ground water so, Section K is in compliance. Gootsch seconded. The motion passed unanimously.
- L. **Flood Areas** – Rob moved for a Finding of Fact that Section L, Flood Areas, as delineated in the application, the development is not within the defined flooding areas, and thus, Section L, Flood Areas, does not apply. Meredith seconded. The motion passed unanimously.
- M. **Freshwater Wetlands** – Rob moved for a Finding of Fact for Section M, Freshwater Wetlands, as delineated in the application, no freshwater wetlands exist within the lot and so M does not apply. Meredith seconded. The motion passed unanimously.
- N. **River, Stream or Brook** – Rob moved for Section N for a Finding of Fact, as delineated in the application no river, stream, or brook exists within the lot or abutting the lot and therefore, Section N does not apply. Gootsch seconded. The motion passed unanimously.
- O. **Storm Water** – Rob moved for a Finding of Fact for Section O, that the proposed Stormwater Management as delineated will be adequate as reviewed by a third-party engineering firm, and thus Section O is in compliance. Meredith seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – Rob moved for a Finding of Fact for Section P that no lots in the proposed development have shore frontage as per the maps and therefore, Section P does not apply. Meredith seconded. The motion passed unanimously.
- Q. **Municipal Services** – Rob moved for a Finding of Fact that the proposed development as specified will not place an unreasonable burden on the municipal services for fire, police or school as specified in the plans and so Section Q is in compliance. Meredith seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration** – Rob moved for a Finding of Fact that Section R, the proposed development does not impact Howard Pond or surrounds due to its location and thus does not apply. Meredith seconded. The motion passed unanimously.
- S. **Impact on Adjoining Municipality** – Rob moved for a Finding of Fact that the proposed development does not impact any adjoining municipality as it is completely within Newry, and so Section S does not apply. Meredith seconded. The motion passed unanimously.
- T. **Land Subject to Liquidation Harvesting** – Rob moved for a Finding of Fact for Section T that as specified in the application the land has not been harvested within the past 5 years, and so Section T is in compliance. Meredith seconded. The motion passed unanimously.
- U. **Conformity with Local Ordinances and Plans** – Rob moved for a Finding of Fact that this subdivision application is within the Resort District, conforms to the plans, and since the Board has just done the full review of the UDRO, conforms with the UDRO, and so it complies and compliance. Meredith seconded. Rob amended his motion to state that it is in compliance with the UDRO with the exception of the existing non-conforming entrances, which will be maintained as is, and otherwise is in compliance. Meredith seconded the amended motion. The motion passed unanimously.

Rob moved to include the 1<sup>st</sup> Condition of Approval, which states: This approval is limited to the proposal as set forth in the application and supporting documents, except as modified by specific conditions adopted by the Planning Board in approving this application. Any variation from the application or conditions of approval are subject to prior review and approval by the Planning Board. Failure to obtain prior approval for variations shall constitute a violation of the ordinance. Gootsch seconded. The motion passed unanimously.

Rob moved to include the 2<sup>nd</sup> Condition of Approval, which states: A substantial start (30% of project based on estimated cost) of construction of the required improvements approved by this application must be complete within twenty-four (24) months of issuance of Planning Board approval, If not, this permit shall lapse, and no activities shall occur unless and until a new application is approved. Gootsch seconded. The motion passed unanimously.

Rob moved that Condition of Approval #3 be required, which states: All required improvements must be substantially complete within eighteen (18) months of the start of construction. If not, this permit shall lapse, and no further activities shall occur unless and until the application is resubmitted and receives Planning Board approval. Gootsch seconded. The motion passed unanimously.

Discussion ensued regarding the Condition of Approval #4 that is currently written on the plan.

Rob moved that Condition of Approval #4 be included, which states: No later than five days prior to the start of construction of any phase, the subdivider must send to the Town a performance guarantee as per the Unified Development Review Ordinance (UDRO) Section 21. The contents of the performance guarantee must meet the standards of UDRO Section 21.B. and be accepted by the Town prior to the issuance of the guarantee. Gootsch seconded. The motion passed unanimously.

Rob moved that Condition of Approval #5 be included as follows: Stormwater Pond shall be staked out for review and approval by the inspecting official prior to the construction of the ponds. Meredith seconded. The motion passed unanimously.

Discussion ensued regarding the cell phone tower currently located on the site but not shown on the plan. The consensus was that since the tower is not shown on the plan, then it must be removed to be in compliance and follow the plan.

Meredith moved that the Board approve Application 25-286 with the 5 conditions of approval stated above. Rob seconded. The motion passed unanimously.

The audio recorders were paused while the Board proceeded to sign the final plans.

### **CEO Reports**

- a) In response to Gootsch's question regarding how many houses are being built, Joelle noted that there are currently 42 active permits; she clarified that not all of them are for houses.
- b) In response to Gootsch's question regarding The Pines, Joelle noted that the second building is being built – third building total, but the second building for this new phase.

### **Open Discussion**

- a) The group discussed the pre-recorded readings of the Criteria for Approval. Joelle felt that there was no legal reason as to why the recordings could not be used, and the consensus of the group was that the recordings were a good tool.

- b) Resiliency Workshop meeting to start working on the grant process for the Sunday River hazard mitigation grant – Joelle reported that the workshop was well attended with 12 people.

**Next Scheduled Meeting** – Wednesday, October 1, 2025.

*NOTE: The October 1<sup>st</sup> meeting was later cancelled, and the Board's next meeting was scheduled for October 15<sup>th</sup>.*

**Adjournment** Meredith moved to adjourn the September 24<sup>th</sup> meeting of the Newry Planning Board; Rob seconded. Motion passed with all voting in favor. The meeting adjourned at 7:55 PM.

APPROVED