

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, November 5, 2025
Raymond C. Foster Municipal Building

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

Members Present: Edward (Ted) Baker, Board Chair; TBD, Board Vice Chair; Heidi Marotta, Board Secretary; Meredith Harrop, Alternate; TBD, Alternate

Members Late:

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

Members & Staff Absent:

Public Attendees: Brooks Morton, Jason Ahearn

Call to Order: Chairman, Ted Baker, called the meeting to order at 6:00 PM and proceeded with his opening statements.

Announcements: Prior to this meeting John (Gootsch) Gauthier, the Board's Vice Chair, submitted his resignation effective immediately. The Chair noted that Gootsch has been an asset to the Board and will be missed. Rob Kates, Alternate, also submitted his resignation effective immediately. The Chair noted that Rob has been a reliable Alternate for the past few years and wished Rob luck.

Current Attendance/Quorum: The Chair took attendance and confirmed the presence of a quorum. Ted elevated Meredith as a voting member for this meeting.

Prior Attendance/Voting Eligibility: With no unfinished business from previous meetings, all three members in attendance are eligible to vote.

Previous Meeting's Minutes: The Board reviewed the previous meeting's minutes. **Heidi moved to approve the minutes of October 15, 2025. Meredith seconded. With no discussion, the motion passed with all voting in favor.**

Correspondence Received:

- a) Letter from Rob Kates dated Nov 5, 2025, to the Town of Newry noting his resignation, which the Chair read aloud for the record.
- b) Email from Robin Gorrell dated October 30, 2025, to Amy Henley, Deputy Clerk; RE: Boundary Shift, which the Chair read aloud for the record.

New Business

- a) Application 25-289; Amendment to Baker Acres III subdivision; change to lot line; Lyons Maine, LLC applicant:

The Chair noted that this is the first meeting, Nov 5, 2025. to review this application. The type of review is a minor subdivision; an existing subdivision – application # 06-214, which was approved in 2006.

The Chair moved that whereas one of the parcels of this application is located within the previously approved minor subdivision known as Baker Acres III, a subdivision as defined by 30-AMSR Section 4401, and in accordance with the UDRO Section 1.C.1, the Planning Board has jurisdiction; Meredith seconded. During discussion, it was clarified that the applicant did not request a pre-application conference. With no further discussion, the motion passed unanimously.

The Chair moved that whereas the applicant has presented a quitclaim deed registered with the Oxford County Registry of Deeds, Book # 5663/Page 404, the applicant has provided adequate proof of ownership. Heidi seconded. With no discussion, the motion passed unanimously.

The applicant is representing himself; there is no agent assigned.

In regards to conflict of interest or bias, none of the members of the Board have indicated a bias or conflict of interest, and the applicant has confirmed that he has no issues in this regard.

The applicant confirmed that he has no objection to the CEO or the Recording Secretary participating in the Board's discussions prior to motions being made. The Chair noted that once a motion is made and seconded, the CEO and Recording Secretary would not partake in any discussion from that point through the vote.

The CEO confirmed that the application fee has been paid with check # 1126 in the amount of \$200

Ted moved that whereas the applicant is requesting an amendment to the already approved subdivision, Baker Acres III, and the application does not involve any required improvements nor alterations to the existing landscape, no additional fee need to be collected by the Town. Meredith seconded. With no discussion, the motion passed unanimously.

Application # 25-289.

Mr. Ahearn explained that he has submitted the application to request a lot line adjustment. He is building a new home on 814 Sunday River Road, which is not part of Baker Acres III. He also currently owns 808 Sunday River Road, which is a large parcel within Baker Acres III and the top of that property directly abuts where the new home will be built. Mr. Ahearn is requesting the lot line adjustment to protect his view on 814 in case he decides to sell the 808 property in the future.

The Chair asked the applicant about any required improvements installed at the creation of Baker Acres III such as stormwater runoff systems, etc. The applicant was not aware of any and has found no evidence of any established stormwater systems.

The CEO stated that she has visited the property and does not have any questions.

The Chair clarified for the applicant the timeline for submitting documentation and the timeline of the application review process.

Ted moved that whereas the applicant, with the argument that the application is limited only to a lot line adjustment with no other modifications to the approved subdivision, Baker Acres III, requests submission waivers as allowed by the UDRO Section 22.A, as follows:

- **Form 10.2 items 15-24**
- **Form 10.3 item 7 and items 9-29**
- **Form 10.4 items 2-11**

Meredith seconded. With no discussion, the motion passed unanimously. The waivers as requested by the applicant have been approved.

The Board reviewed Form 10.1. **Heidi moved to find Form 10.1 complete. Meredith seconded. With no discussion, the motion passed unanimously.**

The Board reviewed Form 10.2 and noted that the Growth Management District and Shoreland Zoning section are not filled out. The CEO confirmed that this property is in the General Development District and is not in the Shoreland Zone. **Meredith moved that Form 10.2 of Application 25-289 is complete. Ted seconded. With no discussion, the motion passed unanimously. Form 10.2 was found complete as amended by the CEO.**

The Board reviewed Form 10.3. **Ted moved that Form 10.3 is complete. Heidi seconded. With no discussion, the motion passed unanimously.**

The Board reviewed Form 10.4. **Ted moved that Form 10.4 is complete. Meredith seconded. With no discussion, the motion passed unanimously.**

Discussion ensued regarding the reduction in acreage that this lot line change will result in and whether it would change the number of houses allowed per the original application. Baker Acres III is comprised of 4 lots, and the Chair noted that the reduction of acreage is insignificant and stays within the Section 23 dimensional standards for lots, which in the General Development District is 2 acres. The CEO clarified that Lot 808 would be reduced from 11.1 acres to 9.2 acres.

The Chair emphasized that this was a minor subdivision with no infrastructure associated with it. All lots are accessible from an existing Town road, and there was no stormwater management system required, etc.

Heidi moved that the application be found complete. Ted seconded. With no discussion, the motion passed unanimously.

The Board proceeded to review the final application.

The CEO confirmed that Forms 10.1, 10.2, 10.3, and 10.4 have all been signed and dated by the applicant.

Ted moved that a site visit need not be held. Meredith seconded. With no discussion, the motion passed unanimously.

Discussion ensued regarding the abutter list which seems to have some missing addresses/unidentified lot owners; it shows “no owner information available” for some of the abutters. The CEO stated that some lot owners own multiple lots, and the GIS maps do not recognize the lot splits; she confirmed that all abutters were notified.

Ted moved that a public hearing need not be held for this project. Heidi seconded. With no discussion, the motion passed unanimously.

Ted moved that whereas, the applicant is proposing simply a lot line revision, and there are no required improvements or other changes to the landscape involved in the application, that the dollar amount of the Performance Guarantee is \$0.00, and therefore, need not be collected. Heidi seconded. With no discussion, the motion passed unanimously.

The applicant is requesting that all Performance Standards be waived. **Ted moved that Performance Standards as detailed in Section 13 be waived as requested by the applicant. Meredith seconded. With no discussion, the motion passed unanimously. The Board has granted the waiver to waive the Performance Standards as outlined in Section 13.**

The Chair noted that Baker Acres III is a minor subdivision approved in 2006, Application # 06-124. Research shows that this was a minimal application with a simple split of lots without any required improvements. The CEO confirmed that the stream that run through the property is detailed on the original subdivision map and is not on either of the two parcels being discussed at tonight’s meeting.

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

- A. **Pollution** –
- B. **Erosion** –

- C. Traffic –
- D. Sewage Disposal –
- E. Municipal Solid Waste Disposal –
- F. Aesthetic, Cultural and Natural Values –
- G. Financial and Technical Capacity –
- H. Sufficient Water –
- I. Public Water Supply –
- J. Surface Waters –
- K. Ground Water –
- L. Flood Areas –
- M. Freshwater Wetlands –
- N. River, Stream or Brook –
- O. Storm Water –
- P. Spaghetti-Lots Prohibited –
- Q. Municipal Services –
- R. Lake Phosphorus Concentration –
- S. Impact on Adjoining Municipality –
- T. Land Subject to Liquidation Harvesting –

The Finding of Fact - Ted moved that *whereas, Baker Acres III, an approved minor subdivision, Application 06-124 approved by the Newry Planning Board in 2006; whereas the applicant is proposing a lot line change with no required improvements nor changes to the landscape, the Board, having reviewed the 21 Criteria for Approval finds that nothing has changed from the original Criteria for Approval of Application 06-124 approved in 2006.* This motion was not seconded.

Following discussion, Ted amended his motion moving that **whereas the applicant is requesting a simple adjustment in lot lines with no other changes to the previously approved minor subdivision known as Baker Acres III, Application # 06-124 and approved by the Newry Planning Board in 2006, that Criteria for Approval A through T have not changed and still stand as approved back in 2006.** Meredith seconded. With no discussion, the motion passed unanimously.

- U. Conformity with Local Ordinances and Plans – Ted moved that Application 25-289, a lot line revision with no required improvements or other changes to the landscape is in conformance with all Town subdivision regulations, ordinances and plans. Discussion ensued regarding the effect of this split, if any, on other lots in the subdivision, and which lots already had homes built on them. Meredith seconded. Finding of Fact being simply a lot line change, Section 13.AC., Life Safety and Fire Suppression, does not apply retroactively. The motion passed unanimously.

The Board confirmed that they have no conditions of approval for this application.

Meredith moved that Application 25.289 is approved. Ted seconded. With no discussion, the motion passed unanimously.

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

The Findings of Fact will be prepared for the Board's review at their next meeting.

A request to amend the agenda – moving item 6, Reports, to be discussed prior to Continued New Business.

Reports

- a) Comprehensive Plan Review Committee: Heidi confirmed that she has been appointed to the committee. She reported that the next meeting will be on Monday, November 10th.

- b) Town Administrator's monthly summary of escrow accounts: Ted reviewed the Summary of Escrow accounts. Barker Mountain Chairlift has a balance of \$3,399.71. The Pines Group, which is still active, has a balance of \$13,654. New River Village has a balance of \$8,000; Joelle will contact Justin of New River Village regarding this balance. Timberline TH, which is still active, has a balance of \$6,557.50. Merrill Hill Chairlift project is not complete – it has been winterized, and since Joelle was the inspector, the escrow balance is \$0. Monkey Brook has an escrow balance of \$0; Joelle stated that she is working on those inspections – there has been some rain damage there. Joelle will follow up with Sunday River regarding Barker Mtn Chairlift and with Justin regarding New River Village. Ted clarified for the Board that he has asked Retta to provide the Board with a summary of escrow accounts on a monthly basis.
- c) CEO: Joelle distributed to Board Members information regarding upcoming LDs for the Board to read. Joelle noted that some of these will affect the UDRO, but that the Board has some time – the Town has until May 2027 to enact it and still be in compliance with the laws. The Chair suggested that the budget, to be voted on at Town Meeting in May of 2026, include funds appropriated for legal fees for an attorney to assist the Board in their review and update the UDRO as needed for these LDs.

New Business – continued

- b) A proposal to adopt Rules of Procedure: Ted explained his proposal to replace the current Bylaws with the Rules of Procedure, which would include a Rules of Order, to better reflect how the Board does business now as well as introducing some items which are not currently defined in the Bylaws nor in the Ordinance, i.e. remote participation, handling a conflict of interest or bias, reconsidering decisions, etc. Ted explained that his proposal is to standardize how the Board does business, so the Board is consistent from one application to another. It was clarified that once the Board has completed their edits to the document, it will be forwarded to the Selectboard for their approval. Board members agreed that Town's counsel also review the document.

The Board discussed various suggested edits to include:

- A possible revision to Section 3.11 to clean up the language and bring it in line with 8.6 was discussed in great length. Heidi will write her proposal for this section.
- Section 8.1 of the proposed document references Section 9 of the UDRO. It was suggested that Section 9 be clarified – defining the purpose of a Pre-Conference meeting and its procedures. It was decided that Pre-Application will be discussed at a future meeting.
- Section 8.6 will be revised with a statement saying that all Criteria for Approval will be reviewed.
- The group discussed in length reconsideration of a decision (which must be made by a member of the Board that voted in the majority) as well as the timing of when the Board should sign the final plan and the timing of the Findings of Fact. It was suggested that Retta be contacted in regards to bringing this question to Town counsel.
- 2.6 where it discusses Findings of Fact – instead of “all applications coming before the Board”, this should be changed to “applications which have come before the Board” – past tense.

This topic was tabled at 7:59pm

- c) A proposal to reorganize the sections of the UDRO: Ted noted that the next Town Meeting will mark 2 years since the Board's last major amendment to the UDRO. He explained that he proposes the UDRO be reorganized to place the definitions closer to the beginning of the document and place the diagrams in an appendix in order to provide room at the end of the document for additional topics to be added. Ted also proposes to move the following topics out of Section 13, General Performance Standards and assign a new section to them: Home Occupation, Mineral Extraction, Wind Turbines, Solar Energy Systems, Recreational Lodging Facilities, and Cell Phone Towers, and Fire Suppression. These items do not apply to most applications, are not performance standards, and hinder the Board's review of an application. These topics should have their own section, so they are more visible to potential developers.

Ted noted that the Appeals Section will also be revised. The attorneys at Perkins Thompson are working on that language and ensuring that the language in the UDRO coincides with the language in the Appeals Ordinance.

Joelle added that she is contacting AVCOG to request an outline of “must have” changes that we need to include in our UDRO for this revision.

Open Discussion

- a) The Chair asked Meredith to consider stepping up as a full member of the Board and to let Loretta know within the next week. Retta will be working to fill the open seats.
- b) Heidi noted that she is taking the MMA training on December 9th.
- c) Ted noted that he, Heidi, Becky and Meredith have a scheduling conflict on November 19th, and there is no new business for the agenda that evening. Therefore, with no objections by the board, he canceled the meeting of Nov 19th.

Next Scheduled Meeting – Wednesday, December 3, 2025.

Adjournment Heidi moved to adjourn; Meredith seconded. Motion passed with all voting in favor. The meeting adjourned at 8:08 PM.

APPROVED