

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, March 18, 2026
Raymond C. Foster Municipal Building

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

Members Present: Heidi Marotta, Board Vice Chair; Cindi Wight, Board Secretary; Meredith Harrop, Alternate; TBD, Alternate

Members Late:

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

Members & Staff Absent: Edward (Ted) Baker, Board Chair

Public Attendees: Rick Dunton, Chris Kennison

Call to Order: Vice Chair, Heidi Marotta, called the meeting to order at 6:00 PM.

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

Voting Eligibility: All full Board members are eligible to vote. Heidi elevated Meredith as a voting member in Ted's absence.

Minutes of Prior Meetings: The Board reviewed the previous meeting's minutes. **Cindi moved to accept the minutes as written. Meredith seconded. There was no discussion. The motion passed with two members voting in favor; Heidi abstained since she did not attend the previous meeting and had not yet listened to the audio recording of that meeting.**

Correspondence Received:

- a) Email chain between Rick Dunton of Main-Land Development Consultants and Joelle Corey, Newry CEO; dated 3/3/2026; RE 24-224 Locke Summit Extension (2 pages).

Business

A. Applications:

- a) UNFINISHED - Amendment to Barker Mountain Village Subdivision; Lot #3 lot split; Patrick & Joyce Roma, applicant; Application # 26-290 – Review and approval of Findings of Fact and Conclusions of Law: **Cindi moved to approve the Findings of Fact as written, and Meredith seconded. The motion passed with 3 members voting in favor.** Heidi signed two copies of the Findings with Cindi witnessing her signature. One copy was kept for the Town's files, and one will be mailed to the applicant.
- b) NEW – Locke Summit Estates, Request for Extension to Application 16-223: Heidi noted the various documents submitted by the applicant: the letter requesting the extension (from Rick Dunton of Main-Land Dev dated REV: March 4, 2026); Limited Amendment of Conditions of Approval Agreement (signed by Newry Planning Board 5/12/2014 and recorded at Registry of Deeds BK5214/PG138) Highway Opening Permit from State of Maine (dated 2.26.2026); MDOT Highway Opening Application (dated 2.4.2026); a USGS site map (dated 11.26.2025); Maine Dept of Transportation Special Opening Permit that's been signed; Original Phasing Plan, dated 4.20.2016; a map of the subdivision that's located in Newry (S2.9 dated 3.4.2026); and a map of the shoulder design (C2.1 dated 2.4.2026); and a second map of the Locke Summit Shoulder Design (C2.2 titled Traffic Control Plan; dated 12.30.2025) Also included in the packet, but not verbally mentioned is the Letter of Authorization giving Main-Land Development Consultants, Inc. authority to act on behalf of Chris Kennison – signed by Chris and dated 4.16.2025.

Heidi explained that she and Cindi visited the Town Office earlier in the week to review some of the old files regarding this project. Joelle clarified that Cindi and Heidi came in separately to meet with Joelle and review the files, so a quorum of the Planning Board was not present.

Rick Dunton of Main-Land Development Consultants, Inc. noted that Locke Summit Estates is headed for completion, and that he feels that the Board, with what has been previously submitted and with what has been submitted tonight, has what is needed to make a decision on this request for extension.

Heidi spoke of what she found during her review of the files. She read aloud a section of the July 3, 2024, meeting minutes about this project where it states, "...since this is a phased project, a detailed timeline of the phases will need to be submitted to the Planning Board for approval". She read aloud portions of Ted Baker's memo to the Planning Board, dated 3.16.2026, noting that some changes had been made to the ordinance including changes to the Life Safety and Fire Suppression standards, and that the applicant is required to meet the new requirements. Also noted in the memo is that the applicant would need to meet the Performance Guarantee Standards per the UDRO, which will require a detailed cost schedule. Heidi stated that she noticed that the detailed timeline of the phases is missing from the applicant's packet, and she added that she believes that the Town has not yet received the applicant's Performance Guarantee. Heidi mentioned that she spoke with Joelle regarding Fire Suppression, and the cisterns that were previously approved are still in effect. So, the two items missing from the applicant are the detailed phasing schedule with cost estimates and the Performance Guarantee.

The Board discussed the phasing and the cost schedule.

Rick presented the Board with a Commercial Letter of Credit for up to \$2 million in favor of the Town of Newry from Lincoln Capital LLC dated March 18, 2026. Rick spoke of a conditional approval being in place stating that lots may not be conveyed prior to having the infrastructure completed for that portion of the project, which was how the original application for Locke Summit was approved in 2008. He noted that during the joint approval, a letter of credit was required of applicant to be active through all construction phases; the letter of credit was in the amount of \$75,000. Rick elaborated by saying that amount was intended to be available for any pauses in construction and any failure of the applicant doing their duty in stabilizing the site. Rick stated that he believes this is how the developer operated until 2024. Rick noted that he had started a response to Ted's March 16th memo but decided to just discuss it at tonight's meeting instead of sending the response. At the end of his discussion, Rick noted that he could give the Board a detailed breakdown of cost phase by phase; however, that would cost the applicant, time and money – adding additional meetings and preparation time. He reiterated that he feels the Board has what it needs tonight to grant the extension with the Performance Guarantee being covered.

Discussion ensued among the Board, Joelle, and Rick regarding the July 2024 meeting and the letter of credit that became effective July 1, 2024.

Joelle pointed out that the letter of credit presented tonight is not an irrevocable letter of credit as specified in the UDRO. It would need to be vetted by the Town's attorney, and then the Select Board would need to approve it.

Joelle agreed with Heidi that the Board would need to receive a detailed cost schedule for the newly proposed phasing plan S2.9.

Cindi pointed out that in several areas of Section 3 in the UDRO, the Board has the right to ask for additional information. Discussion ensued. Rick spoke of the conditional approval regarding lot conveyance, which he believes is still in place. He mentioned the fact that the developer has had meetings with the Board regarding conveyances that needed to occur – not for financial consideration, but because of operation of the previous developer. Rick went on to talk about Ted's memo and the cost and timing of providing all the detailed phasing information.

Joelle noted that the DEP permit was transferred to Malry, LLC.

Heidi asked about the cisterns, and discussion ensued regarding cisterns, the Board's request to have a detailed cost breakdown for each phase, and the process for the third-party inspection of the phasing.

Joelle spoke about the turnout on Sunday River Road that has yet to be constructed per the conditional approval even though the phases have progressed.

The group spoke about the Performance Guarantees, the idea of changing the Performance Guarantee from the current conditional approval to an irrevocable letter of credit and asked if this would trigger new submitted. Discussion ensued.

Lengthy discussion continued regarding an irrevocable letter of credit, a conditional agreement, a conditional approval, and the importance of having a detailed phasing plan which includes the required improvements in each phase and a cost breakdown for each phase. Rick spoke of his desire to not change the things on file that are part of the current approval; he's concerned with the risk of going from an extension of current permit to an amendment. Fire suppression was also discussed during this time.

The group discussed the history of this project – being initially approved in 2008, and getting 2 two-year extensions (in 2011 & 2013), a newly approved permit was approved in 2013 with an expiration date of 2/5/2015 if construction had not begun, another 2-year extension was approved in 2015, and in 2016 a new application was approved with a change of developer extending the permit for another 10-years. Heidi expressed her concern with the fact that, regarding the phasing, the dates are all wrong, and therefore, that original document does not apply to the extension – it doesn't have the correct dates. Rick replied that the new dates are included in the request letter.

Joelle pulled the approved final mylar from the Town's files to review the Conditions of Approval. She confirmed that there is no mention of the Conditional Agreement in the Conditions of Approval listed on the final plan, which was submitted to the Registry of Deeds. She also pulled the Findings of Fact from 2016 & 2017 for this project. The 2017 Findings of Fact show that a waiver was approved by that Board regarding the requirement for road completion prior to conveyance.

The applicant was provided with a sample of a Conditional Agreement letter from a previous subdivision. Joelle pointed out that the agreement letter should specify that the lots that have already been conveyed cannot be built upon until the respective phase of the project is complete.

Following further lengthy discussion regarding conditional approval, conditional agreement, third-party inspectors, the Board's request for a detailed schedule of phasing with cost estimates, and options 3 and 4 of the UDRO's Performance Guarantee, **Cindi moved that the Board grant a 3-year extension of the project based on the conditional agreement that no lots can be conveyed until this passes inspection by the third party, and that there is a \$100,000 irrevocable letter of credit to the Town; this is conditional upon the conditional agreement and the acceptance of a mutually agreed upon \$100,000 irrevocable letter of credit – both the applicant's attorney and the Town's attorney has to approve, and including the turnout completion as specified in the letter from Main-Land Development and approved by DEP. Meredith seconded the motion. With no further discussion, the motion passed unanimously.**

Although not included in the motion above, the intent was to give the applicant a 60-day deadline to submit this information, and that 60-day deadline would be May 20th.

B. Other:

- a) Unfinished - A Proposal to adopt Rules of Procedure: Tabled for the Board's next meeting.

- b) Unfinished – UDRO 2026 review and preparation – Close review period, approve final draft: Joelle reported that the Select Board has scheduled a Public Hearing for April 7th, which is in line with State Law. Heidi asked for a motion to approve the final draft and close the review period. **Cindi so moved; Meredith seconded, and the motion passed unanimously.**

Reports

- a) Comprehensive Plan Review Committee: Heidi reported that the last meeting had a lot of discussion about affordable housing. Joelle spoke of the Town of Rangely is working with a developer to construct some workforce housing. Heidi spoke about Cape Cod having “land bank” that was a percentage of the real estate sales, and it would be given back to the town to acquire land for affordable housing or public open spaces. Something for Newry to think about in the future.
- b) CEO: No enforcement actions to report on; however, Joelle is working on making a calendar to help track timelines for various projects and subdivisions – reminders for various enforcement actions.

Open Discussion

- a) Cindi noted that she will be absent from the April 15th meeting. Heidi noted that she is also gone on the 15th. Meredith confirmed that she plans to attend that meeting.

Next Scheduled Meeting – Wednesday, April 1, 2026

Adjournment Cindi moved to adjourn; Meredith seconded. Motion passed with all voting in favor. The meeting adjourned at 7:57 PM.

APPROVED