

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, April 15, 2026
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; Cindi Wight, Board Secretary; Meredith Harrop, Alternate; vacant seat, Alternate

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

Members/Staff Absent: Heidi Marotta, Board Vice Chair

Public Attendees: Chris Kennison, Rick Dunton

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

Current Attendance/Quorum: The Chair took attendance and confirmed the presence of a quorum. Ted elevated Meredith as a full member status in Heidi's absence.

Voting Eligibility: Ted, who was absent from the March 18th meeting, confirmed that he has watched the video of the March 18th, read the draft minutes, reviewed the materials, and he has now signed an affidavit stating such. Therefore, the present members – Ted, Cindi, and Meredith – are eligible to vote on all agenda items at tonight's meeting.

Minutes of Prior Meetings: The Board reviewed the previous meeting's minutes; the spelling of "Newry" will be corrected from this misspelling (Nearby) in the third line down under Business. **Cindi moved to accept the minutes as amended. Meredith seconded. With no discussion, the motion passed with all voting in favor.**

Correspondence Received:

- a) An email from Heidi Marotta to Joelle Corey RE: Notes on Rules of procedure for PB meeting; dated 4.15.2026
- b) An email chain between Rick Dunton and the CEO, with Chris Kennison cc'd; RE: Locke Summit LOC Estates LOC and Conditional Agreements (ML# 24-224); dated April 6 & 8, 2026.

Business

A. Applications:

- a) **UNFINISHED – Locke Summit Estates, Request for Extension to Application 16-223:** Ted spoke of the Board's review during the March 18th meeting where the Board granted a 3-year extension with conditions, which need to be met by the applicant. Those conditions are 1) restrictions on conveyance, 2) an irrevocable letter of credit, and 3) the Sunday River Road turnout. Ted spoke of his desire to clarify who is responsible for what in these matters. The irrevocable letter of credit: the Board will discuss tonight and then Joelle will send the letter to Perkins Thompson for review and then to the Select Board. Required Improvements: detailed construction plans of cisterns are missing – Joelle, as the CEO supervising third-party inspector, will follow up with the applicant to get those detailed plans. She will also get the third-party inspector (Pine Tree Engineering) approved by the Select Board. Conditional Agreement: the Board will review tonight, and then Joelle will send it to Perkins Thompson for review and then to the Select Board.

Following discussion with the CEO, it was decided that the Board does not need to see the detailed cistern design prior to it being sent to Pine Tree Engineering, and this design does not need to be sent to Gorrill Palmer for review. Joelle will review it in house.

The Board reviewed and discussed the Lincoln Capital, LLC irrevocable letter of credit, dated March 30, 2026, that was submitted for tonight's meeting. Ted noted that in the first paragraph beginning 5 lines from the bottom, the letter states, "Said draft shall be accompanied by a written statement that the Developer has failed to complete such work or correct identified deficiencies of erosion and sedimentation controls and shall specify the line items which have not been completed." Ted would like to see "erosion and sediment controls" replaced with "required improvements". Following discussion with the applicant, Ted asked Joelle to bring this section of the letter to the attention of Perkins Thompson.

Rick Dunton, of Main-Land Development, spoke about the requested revision noted above for the letter of credit and explained the intent behind the current language. Ted noted that the Board will await input from Town's attorney regarding this section of the letter. Ted also noted that within that phrasing, it references "shall specify the line items which have not been completed"; however, there are no line items attached, and asked the applicant if a list of line items was still in development. Discussion ensued regarding the need for a time and cost schedule of required improvements.

Rick stated his concern that he felt the Chair was reversing the decision made at the previous meeting. The Chair pointed out that the Planning Board does not have an option of waiving or disregarding provisions in the UDRO; and that just because the applicant is choosing to go with a Conditional Agreement in lieu of a Financial Guarantee, does not negate the need for the applicant to submit the schedule as defined in Section 3 and in Section 21, and is noted in Section 10 as a submission requirement. Ted read from Section 21.B of the UDRO. Further discussion ensued between the applicant and the Board regarding this section. Ted asked Joelle to have Perkins Thompson look at the phrasing in the first paragraph and specifically ask them if that relates to the applicant having to submit a schedule or is it, as the applicant states, that it's a schedule that the Town has to generate if they present the draft to the guarantor, Lincoln Capital.

Ted noted to Joelle that also for the Town's attorney to look at is in the second paragraph where the term "each line item" is noted again, and in that same paragraph, should the words "road construction and other improvements" remain as it, or be replaced with "required improvements".

In the third paragraph where it states, "in accordance with the Town of Newry's road specifications and the approved plans for the Locke Summit Project.", Ted suggested changing that to "in accordance with the final plan(s)".

Ted asked Rick about in paragraph 4 of the letter where it states "Department, Lincoln Capital, LLC" as the address to present the draft. Following discussion, it was decided that perhaps a word was missing there as to which "department".

The Chair noted to the applicant that they are always free to submit written contestation to the Board if they do not agree with the actions the Board is taking.

The Board proceeded to review and discuss the Conditional Agreement. Meredith noted that in item 2 on the top of page 2, it states, "... with written approval from the Newry Fire Department verifying the functionality of the cistern." Newry Fire Department should be changed to third-party inspector. Ted noted that in the 4th paragraph beginning with "WHEREAS", the term "an Inspecting Official" should be changed to "the Inspecting official". It was noted that after those changes are made, this document is ready to be sent to the Town's attorney for review, and then to the Select Board.

Ted noted that at the March 18th meeting, it was determined that 60-day deadline to get these issues resolved, which is May 20th.

Ted asked Joelle about plans or intended recourse if the conditions are not met by the May 20th deadline. She replied yes and stated it would be a stop work order.

Ted summarized the action items that Joelle has agreed to do following this meeting:

1. Sending the irrevocable letter of credit and the Conditional Agreement to the Town's lawyer for review.
Joelle confirmed the questions in regards to the irrevocable letter of credit discussed tonight:
 - "Line items" - are they to be submitted by the applicant or by the Town?
 - In paragraph 1, maybe using the term "Required Improvements" not "erosion and sedimentation control"?
 - In paragraph 2, using "each line item of Required Improvements" instead of "each line item of the road construction and other improvements"?
 - In paragraph 3 (last sentence), just write "Final Plans"?
2. Getting approval of the third-party inspector from the Select Board.
3. And cistern designs.

B. Other:

- a) Unfinished - A Proposal to adopt Rules of Procedure: Ted asked the Board if the current Bylaws are sufficient or do they need to be improved? Ted read from Chapter 2 of MMA's Manual for Planning Boards on page 11. Following discussion, it was decided that the Board should move forward with the Rules of Procedures. Ted encouraged the members to refamiliarize themselves with the Rules of Procedures document for discussion at the Board's first meeting in May. Ted clarified that the Rules and Procedures would repeal and replace the current Bylaws. He noted that much of his proposed verbiage came from the MMA manual, and he also referred to Bethel's document for guidance – he couldn't recall if their document is called Bylaws or Rules of Procedure.

Meredith spoke of the Planning Board's meeting minutes and how they have been historically formatted. Following discussion, Meredith agreed to draft extra wording with specific guidelines for recording the Board's meeting minutes to be included under item 3.7, Meeting Minutes.

The Board discussed the email from Heidi. Ted spoke of Reconsideration and noted that the intent within the draft is that Reconsideration is a Board procedure and not an applicant tool. Ted noted that Reconsideration by an applicant could be seen as sidestepping the appeals process. Discussion continued.

Discussion ensued regarding 8.1 Preapplication Conference from Heidi's email. Joelle suggested providing applicants with a copy of Performance Standards sheet to use as a tool for what is needed to submit an application that would likely be considered to be complete. Ted cautioned about walking a fine line between helping the applicant and either misleading or leading an applicant. Following discussion, Board members spoke of having a pre-application form letter from the Board, welcoming the applicant and encouraging the applicant to come before the Board prepared with specific questions, clearly stating that the burden of proof for meeting performance standards is on the applicant, and to have the letter include helpful suggestions such as using page numbers in their application packets, etc.

Ted encouraged Board members to read through Chapter 2 of the MMA Planning Board Manual.

Reports

- a) Comprehensive Plan Review Committee: No update in Heidi's absence.
- b) CEO: The Board discussed the Excel spreadsheet created by Ted and Joelle summarizing outstanding applications. The plan is to share the updated spreadsheet on a quarterly basis. The Board discussed the applications listed. It was suggested that a fourth (and maybe a fifth?) column be added to the spreadsheet detailing upcoming deadlines and/or expiration dates.

Joelle note that this is the time of year (mud season) that the State likes to train CEOs. She mentioned that there is a new Wastewater Disposal Permit application. Instead of the standard 3-page document, it will now be a 5 to 7 pages depending on how detailed the plan is.

Open Discussion

- a) *Discussed earlier in the meeting during the review of Rules of Procedure*, Cindi asked about the document that proposed an increase in the size of the Planning Board. Ted clarified that document was a proposed Amendment to the Planning Board Ordinance. One of the proposed revisions was to allow flexible membership of the Board to be between 3 to 5 members. Ted noted that proposal fell through the cracks. It was reviewed and approved by the Planning Board and was sent to the Select Board. The Select Board had it sent to the lawyers for review, and it came back from the lawyers, but has not gone any further. Further discussion ensued and Ted stated that it is not on this year's warrant.
- b) MMA Findings of Fact Must Be Specific handout. Ted spoke of the importance of Findings of Fact: 1) must be specific; 2) must support the conclusions that are made; and 3) must be the Board that comes up with the Findings of Fact not the applicant.
- c) L.D. 2173 handout– Joelle distributed general information because the Board has edited the UDRO for some of these legislative changes. She noted that now the Legislature has revised some of their LDs. Ted noted that this is in committee now.
- d) Town meeting is on May 12th. The proposed UDRO is on the warrant. Ted spoke of the Public Hearing that was held April 7th where some concern was voiced by Sunday River regarding the new paragraph in Section 19.A regarding roads -- travelling over a private road that belongs to a third party to access a proposed development; and that road being required to accommodate the anticipated traffic that will be generated by the new development. If not already met, the road needs to be brought up to standards to meet the anticipated traffic, or the developer has the opportunity to prove that the current road is sufficient; however, the burden of proof to convince the Board that the existing infrastructure of the road is adequate to accommodate the anticipated demand is on the developer.

With being an owner of many private roads, Sunday River expressed concern that this could detract from future potential development. Because of all the other proposed revisions to the UDRO, the course of action taken was to not take the UDRO off the warrant, but to work with Sunday River in the year to come to try to improve that wording in a manner that not only protects the Town but also addresses some of the concerns that a developer may have in it being an overwhelming burden to improve an off-site road.

The Board discussed possibly having a working session following the approval of the proposed UDRO that also includes looking at LDs and how they may affect the UDRO. Joelle distributed LD 2173 to the Board at tonight's meeting.

- e) Joelle noted that she will be out of town on May 20th and June 17th. Meredith will be absent May 6th.

Next Scheduled Meeting – Wednesday, May 6, 2026

Adjournment Cindi moved to adjourn; Meredith seconded. Motion passed with all voting in favor. The meeting adjourned at 7:34 PM.