

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, May 6, 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; Heidi Marotta, Board Vice Chair; Cindi Wight, Board Secretary; TBD, Alternate

Members Late:

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

Members & Staff Absent: Meredith Harrop, Alternate

Public Attendees: Peter Roberts; 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.

Voting Eligibility: Heidi stated that she has not listened to the recording or reviewed the materials of the previous meeting from which she was absent; therefore, she is not eligible to vote tonight on any agenda items carried over from the April 15th meeting. Ted and Cindi are eligible to vote on all motions made during tonight's meeting.

Minutes of Prior Meeting(s): The Board reviewed the minutes of the April 15th meeting. **Cindi moved to accept the minutes as written. Ted seconded. There was no discussion. The motion passed with Cindi and Ted voting in favor.**

Correspondence Received:

- a) Email from Meredith Harrop to Joelle Coey; RE: Rules of Procedure Minutes Language Suggestion; dated 5/5/2026
- b) Memorandum from Samuel Rock of Pine Tree Engineering to Joelle Corey (Newry CEO), Courtney McPherson (Bethel CEO), Chris Kennison (Owner); Subject: Locke Summit Road, Newry & Bethel, ME; dated 4/29/2026
- c) Email chain between Brandon Mazer of Perkins Thompson, Rick Dunton of Main-Land Development, and Joelle Corey, Newry CEO; RE: Locke Summit Irrevocable LOC and Cond. Agreement 24-224; dated April 16, 27, & 30, 2026

Business

A. Applications:

- a) **UNFINISHED – Locke Summit Estates, Request for Extension to Application 16-223:** Joelle spoke of an email chain between her, the Town's attorney Brandon Mazzer, and Rick Dunton of Main-Land Development, ironing out the details for the Conditional Agreement. There has been no change and no action for the Board. Joelle noted that the applicant handed her an updated Irrevocable Letter of Credit at tonight's meeting. That document will be sent to the Town's attorney for his review, and a copy will be sent to the Recording Secretary to be included in the Findings of Fact.
- b) **NEW – Sunday River Skiway Corp; Barker Mountain Pumphouse Replacement Application 26-291:** Ted noted that Sunday River is looking to replace the current Barker Mountain Pumphouse, and that this is a Site Plan.

Ted moved that Application 26-291, Barker Mountain Pumphouse Replacement, be considered as an amendment to Sunday River Skiway Corporations, Barker Mountain Pumphouse approved site plan dated May 4, 1994. Cindi seconded. During discussion Ted explained that in April of 1994 Sunday River came before the Board with a site plan permit application for the Barker Mountain Pumphouse, and that application is still in effect. Ted explained that this is not a new site plan. The proposed replacement is in the same location and has the same function. He clarified that the current UDRO would apply to the amendment. Discussion continued regarding if/when a permit expires. Ted pointed out that the earlier Barker Mountain Pumphouse project was

completed and that the pumphouse continued in operation (it has not stopped operations for period of 2 or more years); and therefore, the permit is still active. It was noted that the proposed replacement will be a smaller footprint than the current building. Following discussion, **Ted withdrew his motion**, and the Board will proceed to review the application to determine completeness.

At this time, the application remains as a Site Plan Permit request.

Ted moved that under UDRO Section 1.C.2., Applicability for Site Plans, the Planning Board has jurisdiction. Cindi seconded, and the motion passed unanimously.

Ted moved that the proof of ownership determined in the original site plan review still applies, and therefore, the application, Sunday River Skiway Corporation, has standing, and it is common knowledge that the Barker Mountain Pumphouse belongs to Sunday River, and that in itself is sufficient to determine that the applicant has standing. Cindi seconded. The motion passed unanimously.

The General Manager of Sunday River, Brian Heon, has signed a letter dated May 6, 2025, which was submitted to the Board, giving Peter Roberts, Professional Engineer, agency to represent Sunday River Skiway Corporation on the matters before the Planning Board.

In regards of any bias or conflict of interest amongst the Board, Ted stated that he is an employee of Sunday River Skiway Corporation; however, as a part-time shuttle bus operator results in a pecuniary interest so minor that a reasonable disinterested person would agree that a conflict of interest does not exist. Heidi confirmed that as a seasonal employee, she is not currently employed at the resort. For the record, it was determined that the Board does not have any conflict of interest nor bias against the applicant.

Peter confirmed that he has no objections to the Code Enforcement Officer or the Recording Secretary's participation in discussions for this application.

Regarding the application fee, Peter explained that he and Joelle discussed the fee but did not reach a conclusion on the amount. The Board discussed whether the application fee should be based on the structure to be modernized, or should it also include all the interior machinery. Following discussion, the consensus of the Board is that the application fee should be for just the cost of the proposed structure and not include the interior machinery. For the record, the application fee has not yet been paid as of tonight's meeting.

The group viewed the plans and discussed the footprint of the new building in comparison to the footprint of the "original" building approved in 1994. Cindi pointed out that the 1994 application was for an expansion of the Barker Mountain Pumphouse; Ted replied that most likely when the original pumphouse was built (prior to 1994), there was probably no ordinance in place at that time.

Peter explained the proposed project to fully demolish and rebuild the Barker Mountain Pumphouse located next to Barker Base Lodge. The current building is about 5,000sq ft; the proposed new building will be smaller. Transformer pads would be moved downhill side of the building, which is a best-practice maneuver, and therefore, the new building would shift uphill to make space for the pads without going closer to the brook. The building would probably be sprinkled; Peter noted that the resort will have an architect do a quick review on fire suppression. There will be no bathrooms or handwashing sinks in the building.

Ted asked about a grease trap/sump noted in the 1994 site plan permit. Peter doesn't believe that sump is still in the building – he has never seen one. Ted explained his concern about contamination of the soil under and around the building from industrial lubricants, etc. With the proximity of Barker Brook, he asked about the ability to do a soil survey to determine any contamination per Section 13.Y of the UDRO regarding Groundwater Contamination. Discussion ensued between Peter and the Board. Ted noted that he is contemplating a Condition of Approval, the scope being an investigation to be conducted by a certified geologist or a professional engineer,

and it would specifically target the soil and groundwater beneath and immediately adjacent to the existing interior grease trap sump to be decommissioned. Further discussion ensued regarding any possible/potential leaching into Barker Brook. With the demolition of the building and the excavation in the area, there is an opportunity to ascertain whether there is any contamination and if so, take steps to mitigate it. Ted noted that the title of his proposed Condition of Approval "Subsurface Environmental Characterization and Performance Standard Compliance", with the proposed verbiage being:

1. Requirement: Prior to the issuance of any demolition or building permits, the applicant shall submit a targeted subsurface investigation report to the Code Enforcement Officer.
2. Scope: The investigation must be conducted by a Maine Certified Geologist or Professional Engineer and must specifically target the soil and groundwater beneath and immediately adjacent to the existing interior grease trap sump to be decommissioned.
3. Analysis: Laboratory analysis shall include extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) to ensure compliance with UDRO Section 13.Y (Ground Water Protection), which prohibits the discharge of pollutants that may contaminate any groundwater aquifer.
4. Standards: Analytical results must be compared against current Maine DEP Remediation Guidelines.
5. Review Trigger: Per the Board's authority to ensure technical compliance, the CEO shall perform an initial administrative review of the report. If the report indicates any exceedance of Maine DEP screening levels, the CEO is authorized to request that that Select Board engage a third-party peer review from the Town's consulting engineer, at the applicant's expense via the established review escrow.
6. Remediation: Should contamination be identified, a remediation plan must be reviewed and approved by both the Maine DEP and the Newry Planning Board prior to any new foundation work or site disturbance in the affected area.

Discussion ensued between Joelle, Peter, and the Board regarding the above Condition and the possible timing of a response from DEP. It was clarified that if the report comes back with no exceedance of screening levels, then DEP does not need to be contacted. Discussion continued. Peter stated that he will do his homework and bring something back that he feels will work for the Board.

Ted reiterated that Board members have a site plan application to review over the next two weeks to determine whether the Board wants to consider this as a new application or as an amendment to the previous application, and summarized the actions taken and decisions made by the Board earlier in this meeting. This application has been assigned tracking # 26.291. Peter asked the Board if there was any additional information needed so that he can be sure to have that ready for review at the next meeting; Ted noted that two members have not yet reviewed the application packet thoroughly, and therefore, the Board reserved the right to ask for additional information once the application has been reviewed.

Ted noted that since this is a site plan and not a subdivision, and this project is entirely within the bounds of the resort, a Performance Guarantee is not required by the UDRO. Peter meant to include a waiver request for Performance Guarantee. However, he does not plan to request any other submission waivers.

Application 26.291 is tabled until the Board's next meeting, which will be held on May 20th. Ted noted that Board members will have time to ask questions of Peter. The Board will then review the application for completeness, and if found complete, the Board will proceed with reviewing the application in terms of compliance with the ordinance and Criteria for Approval, etc.

B. Other:

- a) Unfinished - Proposal to adopt Rules of Procedure: Ted spoke of the email from Meredith expanding the language proposed for Section 3.7. of this document. The Board discussed and agreed that Meredith's suggested wording should be incorporated into Ted's draft document.

The Board discussed Heidi's suggested revision to the 3rd sentence of 3.11. Heidi clarified that her comment is about allowing some specific time on the agenda for comments from abutters and from the public to be consistent. After lengthy discussion regarding this suggested change, Public Hearings, public notice of Public Hearings, and about the Board's deliberation during an application's review, Ted stated that he will do some research, and a Public Comment section may be added to the Board's meeting agenda and would include parameters and rules.

The Board discussed Heidi's suggested revision to 7.2. Following discussion, this suggestion was withdrawn.

The Board discussed Heidi's suggested revision for 8.7. Heidi noted that she just wanted to add the word "all" to ensure that the Board reviews all Criteria for Approval prior to the Board making a decision on an application. Following discussion, Ted stated that he will add this revision to the next draft.

The Board discussed Heidi's suggested revision to 8.1. She'd like to see the purpose of a pre-application conference clarified for consistency. Following discussion, it was decided that at some point, the UDRO should be revised with clarified language. However, in the meantime, the Board will be more consistent at addressing this topic with all applicants.

Heidi noted that her suggested revision for 8.6 was tied in with her suggested revision for 8.7, which has already been addressed.

Ted noted that he will insert a new "Section 4" covering Executive Sessions. The current Section 4 and all sections following will be renumbered.

He stated that the newest revision will be distributed to the Board for review prior to the Board's next meeting.

Reports

- a) **Comprehensive Plan Review Committee:** Heidi reported that the Committee has been moving along well. The sections on Housing and Economics are done. A Public Engagement Session is scheduled for Tuesday, June 23rd, at 6pm, for the Committee to do a presentation. The Committee plans to review the next section on Recreation by next week. The Committee is about halfway through the review of the Comprehensive Plan; a second Engagement Session will be held in the fall once the Committee has reviewed and updated the back sections of the Plan.

Ted noted that Planning Board would need the Committee to look down the road at potential future challenges, and Heidi confirmed that the Committee has been discussing future challenges of data centers and their impact. Ted also noted that groundwater availability should be something the Committee investigates.

- b) **CEO:** Joelle distributed and spoke about the third-party inspector reports from Locke Summit Estate. This was distributed to the Board just as an FYI. Joelle noted that she has received the cistern designs and they meet the standards.

Joelle noted that she has written her part for Comprehensive Plan regarding short-term rentals and the cause and effect of excess effluence.

Open Discussion

- a) The Board was provided with an updated Escrow sheet from the Town Administrator. This document was not discussed; Ted suggested that any Board with questions about this document reach out to Loretta.
- b) AVCOG is having an Open Discussion for L.D. 2173 to be held at South Paris Fire Department at 6pm on June 24th with a greet and meet at 5pm with Maine Office of Community Affairs (MOCA), which is dealing with housing

affairs at the State level. Ted noted that Erica Bufkin asked that anyone planning to attend send her an RSVP; no RSVP is needed if you do not plan to attend.

c) Town meeting will be held next Tuesday, May 12th.

Next Scheduled Meeting – Wednesday, May 20, 2026 – Joelle noted that she will not be present at this meeting.

Adjournment Heidi moved to adjourn; Cindi seconded, and the motion passed with all voting in favor. The meeting adjourned at 8:00 PM.

APPROVED