

**NEWRY PLANNING BOARD**  
**MINUTES OF BOARD MEETING**  
**Wednesday, May 20, 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; Meredith Harrop, Alternate; TBD, Alternate

**Members Late:**

**Staff Present:** Becky Bean, Recording Secretary

**Members & Staff Absent:** Joelle Corey, Code Enforcement Officer

**Public Attendees:** Brian Moore; Peter Roberts

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

**Current Attendance/Quorum:** Ted took attendance and confirmed the presence of a quorum.

**Voting Eligibility:** Meredith, who was absent from the previous meeting, confirmed that she listened to the recording and read through the minutes and materials submitted at that meeting. However, she is not eligible to vote tonight since all full Board members are present. Ted, Cindi, and Heidi are eligible to vote at tonight's meeting.

**Minutes of Prior Meeting(s):** The Board reviewed the previous meeting's minutes. Heidi stated that, in the draft minutes on page 2 of 5 in the 5<sup>th</sup> paragraph, the date of the letter signed by Brian Heon is incorrect. It's written as May 6, 2026; the correct date is May 6, 2025. **Heidi moved to accept the minutes of Wednesday, May 6, 2026, Planning Board meeting as amended, and Cindi seconded. With no discussion, the motion passed with all voting in favor.**

**Correspondence Received:** -- none

**Business**

**A. Applications:**

- a) UNFINISHED – Sunday River Skiway Corp; Barker Mountain Pumphouse Replacement Application 26-291: Ted summarized the proposed project and the decisions made on this application by the Board at the previous meeting.

Meredith stated that she is a Team Member at Sunday River with the position of Vice President of Lodging, and as such, she recused herself during the review of this agenda item.

The application fee was paid during tonight's meeting; \$2,101.55 was paid 5/20/2026 with check #102785.

Peter asked what additional information was needed from him for the Board to determine if this application will be reviewed as an amendment, a new application, or if this project needed to be reviewed by the Board at all. Discussion ensued.

Ted pointed out for the record that the Town repealed the UDRO and adopted a new version of the UDRO since the Board's previous meeting. Since this application has not yet been found complete, it will be reviewed against the newly adopted UDRO.

Heidi spoke about the section in MMA's Manual for Planning Boards and Boards of Appeals on page 87 where it talks about replacement and relocation of non-conforming structures, and asked if this application needs to be reviewed as a new application because the building is being replaced. Peter confirmed that the current structure is within the 75' buffer of Barker Brook; it is just 25' from the brook. He stated that the replacement will be at least 25' from the brook and that the resort will not be increasing the non-conformity. Discussion ensued.

**Following discussion, Ted moved that the Board treat Application 26-291 as a new application. Cindi seconded, and following further discussion, the motion passed unanimously.**

The Board discussed the possibility of requiring additional fees such as an escrow for paying consultants to the Board, an additional fee for third-party inspector, and/or a fee for Performance Guarantee.

**Following discussion, Heidi moved that no additional escrow is needed per Section 10.B.6, page 37 of the old UDRO. Ted seconded, and with no further discussion, the motion passed unanimously.**

The Board reviewed Form 10.1 of the application.

**Ted moved that Form 10.1 is complete. Cindi seconded, and with no discussion, the motion passed unanimously.**

The Board reviewed Form 10.2. Peter confirmed that the abutter notices have been sent and that he has received a few responses, all of which asked if the project is scheduled to begin this summer, which it is not.

Ted confirmed with Peter that the current pumphouse is connected to the Sunday River upper public water system for fire suppression only, and that will be the same for the future pumphouse.

The Board discussed solid waste disposal and the recent vote by the Town that customers will now pay for domestic tipping fees. Peter clarified that the resort pays to tip the construction dumpsters. With the change for domestic tipping fees per Town Meeting, Peter agreed to edit item 21 on his application regarding who pays the tipping fee. Ted noted that the application form will be revised to be accurate in the future.

Discussion ensued regarding the resort's Rule by Permit with the DEP, which applies to this project.

**Heidi moved that Form 10.2 just needs an amendment to the Solid Waste section removing any mention of tipping fees. Cindi seconded, and the motion passed unanimously.**

The Board reviewed Form 10.3 and the submitted drawings.

**Cindi moved that the Board approve Form 10.3 as complete. Ted seconded, and the motion passed unanimously with no discussion.**

Peter confirmed that he did not receive any responses from letters sent to the Town's Fire Dept., Road Commission, or the Oxford County Sheriff's Office.

The Board reviewed Form 10.4

**Cindi moved that the Board find Form 10.4 complete. Ted seconded, and the motion passed with no discussion.**

**Having found that Forms 10.1, 10.2 with an amendment to be made, as well 10.3 and 10.4 complete, Ted moved that the application is complete. Cindi seconded. With no discussion the motion passed unanimously.**

CRITERIA FOR APPROVAL FOR THE UNIFIED DEVELOPMENT REVIEW ORDINANCE (Section 5, pages 43-46)

- A. **Pollution** – Findings of Fact: that the proposed site plan does not include any wastewater facilities or machinery that will cause air pollution; therefore, Ted moved that Section A., Pollution, is in accordance with the Ordinance. Cindi seconded. The motion passed unanimously.
- B. **Erosion** – Findings of Fact: The applicant has submitted a stormwater and erosion control plan, and therefore, *Ted moved that Erosion is in compliance. The Board and the applicant discussed riprap, plantings, types of fertilizer, and a possible Conditional of Approval. Following discussion, Ted withdrew his motion.* Ted moved that given that the applicant will strike within the Stormwater and Erosion Control Plan's use of fertilizer, that Section B, Erosion, is in compliance. Cindi seconded. Discussion ensued regarding the applicant (Peter Roberts) being the inspector. Peter noted that historically he would do a weekly walk inspection and take photos which are sent to Joelle the Town's CEO with a written report, and she would visit the site if she felt it necessary. Following discussion, it was decided that this may be a condition of approval which will be addressed later. The motion on the table passed unanimously.
- C. **Traffic** – Finding of Fact is that due to the nature of the site of the application, it will not generate any traffic, and therefore, Heidi moved that this item is not applicable. Ted seconded, and the motion passed unanimously.
- D. **Sewage Disposal** – Finding of Fact: The applicant will not be installing any subsurface wastewater disposal system, and therefore, they will not cause any unreasonable burden on municipal services. Ted moved that Sewage Disposal does not apply. Cindi seconded. The motion passed unanimously.
- E. **Municipal Solid Waste Disposal** – Finding of Fact: The applicant is providing roll-off dumpsters to collect all debris. Therefore, Cindi moved that the applicant is in compliance. Ted seconded. The motion passed unanimously.
- F. **Aesthetic, Cultural and Natural Values** – Finding of Fact: Since there is already a structure housing machinery at the site, and the applicant is proposing to replace it with a similar sized and style building, therefore, aesthetic and natural values have not change. Ted moved that the applicant is in compliance with Aesthetic and Natural Values. Heidi seconded. The motion passed unanimously.
- G. **Financial and Technical Capacity** – Findings of Fact: The technical capacity will be met by one, Peter Roberts, a licensed professional engineer for the State of Maine, and financially, the project will be funded by the Sunday River Skiway Corporation or Boyne Resorts, Inc capital project funds. Therefore, the applicant demonstrated financial and technical capacity, and Ted moved that they are in compliance. Heidi seconded. The motion passed unanimously.
- H. **Sufficient Water** – Findings of Fact: This will be an industrial machinery space with no need for domestic water; therefore, Ted moved Sufficient Water has been met. Cindi seconded. The motion passed unanimously.
- I. **Public Water Supply** – Finding of Fact: There is no domestic water planned for this project. Therefore, Ted moved that Public Water Supply is not applicable. Cindi seconded. The motion passed unanimously.
- J. **Surface Waters** – Finding of fact: This project is not within wetland, a great pond or a river as defined by Title 38, chapter 3, subchapter 1, article 2-B1. Therefore, Ted moved that Surface Waters does not apply. Heidi seconded. The motion passed unanimously.
- K. **Ground Water** – Discussion ensued between the applicant and the Board regarding the original application, the history of the current building, the proposed plan, and the obligation of the contractor to report to the State of Maine any fuel odor that may be discovered during excavation. The Board decided that the previously proposed Condition of Approval for soil survey is not needed, and following discussion, stated that the **Findings of Fact** is: The applicant and any contractor hired by the applicant has the legal obligation to report the findings of soil contamination as they proceed on the job site and given that the proposed site plan does not involve any grease traps or floor drains.

Following a lengthy discussion regarding the building plans for the proposed pumphouse, recent pumphouse applications that have come before the Board for which building plans were submitted to the CEO, the change in contours on the plans for the site of the proposed pumphouse, whether any redirecting of the groundwater would affect any immediate neighbors, the applicant, using the submitted

site plan, explained structural fill and where fill would be added to the site and where fill would be removed. Following discussion, it was decided that a **Finding of Fact** is: Due to the minimal removal of soil, the groundwater will not be impacted significantly by the new location, and therefore, Heidi moved that the application is in compliance. Cindi seconded. With no further discussion, the motion passed unanimously.

- L. **Flood Areas** – Finding of Fact: Given the fact that the elevation of the proposed site plan is far, far higher than the nearest Federal Emergency Management Agency flood boundary, which is down at the valley floor, Ted moved that L., Flood Areas, is in compliance. Cindi seconded. The motion passed unanimously.
- M. **Freshwater Wetlands** – Finding of Fact: The applicant has identified any or all wetlands that would be impacted by the said plan, and therefore, Ted moved that this project is in compliance with Freshwater Wetlands. Cindi seconded. The motion passed unanimously.
- N. **River, Stream or Brook** – Finding of Fact: The applicant has marked Barker Brook on the Plan. Ted moved that Section N, River Stream or Brooks, has been shown on the proposed development plans, and therefore, Section N is in compliance. Heidi seconded, and the motion passed unanimously.
- O. **Storm Water** – Finding of Fact: The applicant has in Drawing #3, a proposed plan for Erosion and Stormwater Management that follows the State DEP Chapter 500 practices for stormwater management, and in addition, the applicant will be conducting weekly inspections and reporting to the Town on the conditions of stormwater management, therefore, Ted moved that the applicant is in compliance with Storm Water. Heidi seconded. The motion passed unanimously.
- P. **Spaghetti-Lots Prohibited** – Finding of Fact: This site does not involve any water frontage property. Ted moved that Spaghetti Lots does not apply. Cindi seconded. The motion passed unanimously.
- Q. **Municipal Services** – Finding of Fact: The applicant is proposing to sprinkle the building, and seeing that this is replacing an existing building, whatever burden it placed on the Town municipal services is already existing and is not changing, that therefore, Ted moved that the applicant is in compliance with Municipal Services. Heidi seconded. The motion passed unanimously.
- R. **Lake Phosphorus Concentration** – Finding of Fact: The Barker Mountain Pumphouse is nowhere near the Howard Pond watershed, and therefore, Ted moved that Lake Phosphorous Concentration does not apply. Cindi seconded, and the motion passed unanimously.
- S. **Impact on Adjoining Municipality** – Finding of Fact: The proposed development will not cross municipal boundaries, and therefore, Ted moved that the Criteria of Approval for Impact on Adjoining Municipalities does not apply. Heidi seconded. The motion passed unanimously.
- T. **Land Subject to Liquidation Harvesting** – Finding of Fact: Since this is a site plan permit for an existing industrial building that will be rebuilt, Ted moved that Land Subject to Liquidation Harvesting does not apply. Cindi seconded. The motion passed unanimously.
- U. **Conformity with Local Ordinances and Plans** – The Chair tabled this item temporarily so the Board can cover some other items first.

Peter noted that he is requesting a waiver for Performance Guarantee; however, he is not requesting waivers for any Performance Standards.

**Ted moved that a site visit is not required. Cindi seconded. The motion passed unanimously.**

**Ted moved that a Public Hearing need not be held for Application #26-291. Cindi seconded. The motion passed unanimously.**

Ted noted that Performance Guarantees are not required for Site Plans. Peter submitted a letter requesting a waiver for Performance Guarantee. **Cindi moved that the Board waive the Performance Guarantee requirement. Ted seconded. The motion passed unanimously.**

Ted noted that he will drop his contemplated soil survey Condition of Approval.

**Ted moved that a Condition of Approval that states that, once construction has started, the applicant will submit weekly inspection reports for stormwater management and erosion control to the Town's Code Enforcement Officer (CEO) until the CEO deems the site to be permanently stabilized. Heidi seconded. The motion passed unanimously.**

The Board confirmed that they have no concerns with any Performance Standards in regards to this application.

U. **Conformity with Local Ordinances and Plans** – Finding of Fact: Ted moved that the applicant has submitted plans which are conformance with local ordinances and/or plans, and therefore, item U has been met. Cindi seconded. The motion passed unanimously.

**Ted moved that the Board approve, with conditions as previously stated and approved by the Board, Application #26-291. Heidi seconded. With no further discussion, the motion passed unanimously and the Application #26-291 is approved with 1 condition of approval: Once construction has started, the applicant will submit weekly inspection reports for stormwater management and erosion control to the Town's Code Enforcement Officer (CEO) until the CEO deems the site to be permanently stabilized.**

#### **B. Other:**

a) Unfinished - Proposal to adopt Rules of Procedure: The Board reviewed the document with the latest edits. Meredith noted that regarding Executive Session, it is her understanding that during Executive Session no notes should be taken and any written information that is passed out should be collected. Meredith suggested that those details be added. Ted stated that although it is good practice, he was not sure if it is part of the State's statute. He will research this.

Following discussion, Ted stated that he will revise the Public Comment Period noted on page 4 of 14 – removing “for non-agenda items; at the discretion of the Chair” and add a limit of 2 minutes per person with a total time limit of 10 minutes overall for this agenda topic. It was noted that this item should be added to the meeting agenda.

The Board will plan to vote on this final draft at the next meeting so it can be passed along to the Select Board and to the Town attorney for review.

#### **Reports**

- a) Comprehensive Plan Review Committee: no update
- b) CEO: no update

#### **Open Discussion**

- a) A flyer was distributed to Board members about a gathering at the Paris Fire Station.
- b) The Town approved the repeal of the UDRO dated 1992, and approved the implementation of UDRO 2026, copies of which were distributed to Board members.
- c) Heidi noted that she will not be at the next Comprehensive Plan Committee meeting scheduled for 5pm June 1<sup>st</sup>. Heidi expects the committee to discuss the Recreational section at that meeting. Cindi will try to attend that meeting.
- d) Ted spoke of two near-term projects for the Board to think about. Ted asked the Board to 1) think about the review flow as documented by the check-off sheet, and 2) go into the UDRO and familiarize themselves with Section 28, Wireless Telecommunication Facilities. Ted expects 1, or possibly 2, applications regarding cell phone towers to come before the Board this summer or fall.

**Next Scheduled Meeting** – Wednesday, June 3, 2026 – The Chair noted that this meeting may be cancelled if no new applications are submitted. If it is cancelled, the Board would then meet on June 17<sup>th</sup>.

**Adjournment** Cindi moved to adjourn; Heidi seconded. Motion passed with all voting in favor. The meeting adjourned at 8:25 PM.