

NEWRY PLANNING BOARD
MINUTES OF BOARD MEETING
Wednesday, September 2, 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; Brian Moore, Alternate (*left meeting at 7pm*); 2nd Alternate Seat is vacant

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

Members & Staff Absent:

Public Attendees: Chris Kennison, Peter Roberts, Dave Thurston

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: With no recent absences, all full Board members are eligible to vote.

Minutes of Prior Meeting(s): The Board reviewed the minutes of the August 5th meeting. **Cindi moved to approve the minutes as written. Heidi seconded. With no discussion, the motion passed with all voting in favor.**

Correspondence Received:

- a) Letter from Newry Planning Board Chair, Edward Baker, to the Bethel Code Enforcement Officer, Courtney McPherson; dated 8/24/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Request for Compliance Verification (Bethel-Side Lots) (1 page)
- b) Letter from Newry Planning Board Chair, Edward Baker, to the Bethel Planning Board Chair, Brandy Lee Rodney; dated 8/21/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Fire Suppression Method Amendment – Notice and Request for Concurrence (2 pages)
- c) Letter from Newry Planning Board Chair, Edward Baker, to the Maine DEP; dated 8/24/2026; RE: Locke Summit Estates Subdivision – Site Law Permit #L-23659; Request for Compliance Verification (1 page)
- d) Letter from Newry Planning Board Chair, Edward Baker, to Peter Roberts of Main-Land Development Consultants Inc.; dated 8/24/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Acknowledgement of Submission (1 page). *NOTE: Hard copy forwarded to Recording Secretary after meeting adjourned.*
- e) Letter from Newry Planning Board Chair, Edward Baker, to the Newry Code Enforcement Officer, Joelle Corey; dated 8/24/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Request for Compliance Verification (Newry-Side Lots) (1 page)
- f) Letter from Newry Planning Board Chair, Edward Baker, to the Newry Fire Dept Chief, Alan Fleet; dated 8/24/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Fire Suppression Method Amendment – Request for Tanker Response Time Estimate (2 pages)
- g) Letter from Newry Planning Board Chair, Edward Baker, to Brandon Mazer of Perkins Thompson (the Town's attorney); dated 8/24/2026; RE: Application 26-292 – Locke Summit Estates Subdivision, Request for Legal Guidance (2 pages including copy of Agreement to Waive Joint Planning Board Meetings signed by Newry PB on 12/4/2024 and Bethel PB on 12/11/2024)
- h) Response letter from Newry Fire Dept Chief, Alan Fleet, dated 8/26/2026; RE: Locke Summit Sprinkler Amendment, Application # 26/292 (1 page)
- i) Email Response from Maine DEP, Mark Stebbins; dated 9/1/2026; RE: Locke Summit Estates-Newry
- j) Email Response from Bethel CEO, Courtney McPherson; dated 9/1/2026; RE: Locke Summit Estates-Newry Planning Board. *NOTE: Chair did not verbally mention this email during his review of correspondence; however, a hard copy was distributed to Board members and the applicant.*

- k) Email from Newry CEO, Joelle Corey, to Newry PB Chair "pb1@newrymain.org"; dated 8/25/2026; RE: Cisterns vs Sprinklers Locke Summit. *NOTE: Chair did not verbally mention this email during his review of correspondence; however, a hard copy was distributed to Board members and the applicant.*

Business

A. Applications:

- a) NEW – 26-292, Amendment to Locke Summit Estates Subdivision; MalRy, LLC, applicant: Discussion ensued among the Board and the CEO regarding the above correspondence.

Ted read aloud from a document that he prepared titled Order of Business – Application 26-292 dated Sept 2, 2026 (4 pages) detailing the application and amendment history of the 70-lot subdivision Locke Summit Estates located in the towns of Bethel and Newry with 46 lots in Newry. The Chair noted that the current final plan for Locke Summit Estates is Application 16-223; and application # 26-292 has been assigned to the Amendment Application submitted for the Board to begin review at tonight's meeting. During discussion, it was noted that the final plan for Application #16-223 is not on file with the Oxford County Registry of Deeds, and it has not been found in the Town of Newry's files. Regarding Application 16-223, the Town has the Findings of Fact and Conclusions of Law dated April 20, 2016, on file.

The application fee was paid with check #1340 in the amount of \$500 at tonight's meeting.

Ted noted the following Findings and Fact:

1. Locke Summit Estate latest approval by the Newry Planning Board for a major subdivision is Application 16-223. Reference the Findings of Fact and Conclusions of Law dated 4/16/2016.
2. Locke Summit Estate is a 70-lot subdivision of which 46 lots are located within the town of Newry. The development fits the definition of a subdivision found in Title 30-A, M.R.S.A. section 4401.
3. The Unified Development Review Ordinance (UDRO), Section 1.D assigns responsibility to the Newry Planning Board to carry out the provisions of the Ordinance including subdivisions. Reference UDRO Section 1.D.1.
4. The towns of Newry and Bethel entered into a mutual agreement to waive requirements for a joint review of Locke Summit Estates per 30-A M.S.R.A. Section 4403.1-A. Reference the joint agreement dated 12/4/2024 for Newry and 12/11/2024 for Bethel.
5. The proposed amendment to modify the required Life Safety and Fire Suppression Standards, UDRO Section 25, applies only to the 46 lots on the Newry side of the subdivision. Reference the Project Description from Form 10.cover, dated 8/17/2026.
6. MalRy, LLC holds the development rights, easements, and declarant rights to the Locke Summit Estate subdivision. Reference Oxford County Registry of Deeds, Bk#5831, Pg #105.
7. MalRy, LLC has authorized Main-Land Development Consultants, Inc. to act on its behalf in obtaining applicable federal, state, and local permits for subdivision amendments to Locke Summit Estates. Reference correspondence from MalRy to Main-Land dated 4/10/2025.
8. An application fee of \$500 has been paid to the Town of Newry; check # 1340, dated 9/2/2026.

and moved for the following Conclusions of Law:

1. Application 26-292 is an amendment to Application 16-223. Reference Finding of Fact #1.
2. The Newry Planning Board has jurisdiction to review Application 26-292. Reference Findings of Fact #2 and #3
3. The Newry Planning Board may act unilaterally on Application 26-292. Reference Findings of Fact #4 and #5.
4. The applicant, MalRy, LLC, has standing before the Planning Board for the proposed amendment to Locke Summit Estate. Reference Finding of Fact #6.
5. Main-Land Development Consultants, Inc. has been granted agency to represent MalRy, LLC for business related to Application 26-292. Reference Finding of Fact #7.
6. MalRy, LLC has paid the required application fee. Reference Finding of Fact #8.

Cindi seconded the motion. With no discussion, the motion passed unanimously.

Ted distributed to Peter Roberts and the Board copies of the acceptance letter he prepared prior to tonight's meeting: **Letter from Newry Planning Board Chair, Edward Baker, to Main-Land Development Consultants Inc., Peter Roberts, PE; dated 9/2/2026; RE: Application 26-292 – Notice of Acceptance; Proposed Amendment to Approved Application 16-233; Locke Summit Estates Subdivision, Newry, Maine (1 page)**, which included one pen & ink correction on the 4th line of paragraph 1: Application 16-223 (not 16-233).

The Board reviewed any bias or conflict of interest. **Ted noted the following Finding of Fact:**

- 7. No member of the Board came forth with a bias or conflict of interest, nor did the applicant challenge any members of the Board for having bias or conflict of interest. Reference the transcript of Newry Planning Board regular meeting held on Sept 2, 2026.**

Ted moved that the Board does not find any member having bias or conflict of interest towards the applicant nor towards Application 26-292. Heidi seconded. With no discussion, the motion passed unanimously.

Peter Roberts of Main-Land Development Consultants, representing MalRy, LLC and Chris Kennison, explained that the application is an amendment requesting the reversal of a change to the original Conditions of Approval related to fire suppression. The applicant would like to switch from the current approved method, which is cisterns, and go back to the originally approved method which required sprinkler systems in homes. This amendment only effects lots in Newry since the Town of Bethel did not allow the change to cisterns in 2014; the Town of Bethel has required sprinkler systems since the application's original approval.

Peter was asked to expound as to why the applicant wants to revert to the use of sprinkler systems. He noted that fire cisterns are very expensive, not only to install, but also to maintain. Peter also mentioned, from a public safety perspective, the response time of a sprinkler system is much quicker than that of a fire department responding and using a cistern.

The Chair reviewed with the applicant the deadline for materials being submitted to the Town at least 10 days prior to the Board's meeting. For the Board's Sept 16th meeting, materials must be received by this Sunday, Sept 6th. For the Board's Oct 7th meeting, materials must be received by Sept 27th.

Discussion ensued regarding any additional fee required. **Ted moved that the Board require an additional fee of \$10,000, or 50% of the application fee, whichever is greater to aid the Board's review of Application 26-292, including Town counsel continued review, to be held in non-interest-bearing escrow account per Section 10.B.6. with any used portion returned to the applicant. Ted added that he does not anticipate any additional outside consultants (i.e. a fire protection engineer) at this time. Cindi seconded, and discussion ensued amongst the Board. With no further discussion, the motion passed unanimously.** Ted noted for the record that the applicant will need to come forth with an additional fee of \$10,000 to help offset the professional fees that will be incurred by the Board as it reviews Application 26.292.

The Board reviewed the sections in the UDRO regarding waiver requests: Sections 13.A (submission requirements), 13.B (performance standards), and 13.C (required improvements). Ted noted that 30-A M.R.S. Section 4404 makes it mandatory that the Planning Board consider all the Criteria of Approval. Therefore, the applicant's request for the waiver of all of Section 5 (Criteria of Approval) is outside the Board's waiver power. Ted also noted that 30-A M.R.S. Section 4407 for Amendments specifically states that the Board must apply the Criteria of Approval to the requested amendment. However, since the Board's review is going to be narrow in scope to just the subject of the amendment, several of the Criteria of Approvals will probably still stand from the original application and not need to be redeliberated.

The applicant also requested a waiver for all of Section 18, Performance Standards. **Ted moved that the Planning Board approve the waiver request for Section 18, Performance Standards. Cindi seconded. Ted noted during discussion that he plans to vote in opposition to this motion with his feeling that the Performance Standards in Section 18 go hand-in-hand with the Criteria of Approval in Section 5; further discussion ensued. All three members voted in opposition, and the motion died. The Performance Standards in Section 18 apply.**

During his review for completeness, Ted noted the following findings of fact:

1. No copy of the final plan for Application 16-223 has been submitted with Application 26.292, nor is one on file with the Oxford County Registry of Deeds or in the Town Office. Application 14-207 (approved in 2014) amended the Condition of Approval #10 to substitute fire cisterns for NFPA 13D sprinklers, but the entire development was resubmitted for approval in 2016. Therefore, the Conditions of Approval that were applied to Application 16-223 override the amendment to Condition of Approval #10 that applied to Application 05-48. While it is pertinent to the review that the Planning Board back in 2014 approved switching from residential sprinklers NFPA 13D to cisterns, that amended Condition of Approval went away when the application was resubmitted in its entirety in 2016 and approved in its entirety. Therefore, without a copy of the final plan 16-223, the Board has no idea what the Conditions of Approval state on that plan.
2. The application makes no mention of the ten Newry-side lots already conveyed to non-MalRy owners, nor how the applicant proposed the amendment will apply to them.
3. The application does not address how the proposed shift from fire cisterns to NFPA 13D sprinklers interacts with the Declaration of Restrictive Covenants Section 8.29, which has required NFPA 13, 13R, and 13D sprinklers on all Locke Summit Estate dwelling units since 2011 and was never amended with the Condition of Approval #10 in 2014. The application should clarify how compliance with the proposed amendment to Fire Suppression and Life Safety Systems in 2016 will apply to the previous Restrictive Covenants.
4. The Bethel Planning Board and the Bethel Code Enforcement Officer have both submitted responses as of tonight's meeting. The Newry CEO verbally verified at tonight's meeting that this is in compliance. Maine DEP has responded and reported that MalRy LLC has not filed the 5-year stormwater management recertification required under Department Order Condition #4, and DEP states that they will follow up with MalRy directly. Newry Fire Chief, Alan Fleet, has also responded, estimating an approximate 30-minute NFD tanker response time and recommending sprinklers over cisterns.

With no discussion on the above, **Ted moved that Application 26-292 be found incomplete with the Findings of Fact 1 through 4 stated above. Heidi seconded, and the motion passed unanimously.**

The Chair stated that he would send Peter a letter itemizing what has been addressed above. Peter stated that it was his understanding that if no revised subdivision was registered in 2016, then the last registered plan would be considered the most current plan. He added that he doesn't understand the re-application in 2016 cancelling out an amendment to the original Conditions of Approval. Ted stated that the original application in 2005 and the major amendment made to that application in 2007 was set to expire per Section 4.E of the UDRO in 2017, and the latest that construction could be commenced was in April of 2016. The applicant, in 2016, resubmitted the application for approval, which therefore, becomes the final plan on record. The Board needs to see that final plan to confirm the Conditions of Approval – they may be the same or they may be different. Discussion ensued and Ted emphasized that the burden of proof is on the applicant. The Board will also need to understand how the applicant plans to deal with the 10 conveyed lots that were conveyed after 2014 (and 2016), while Fire Suppression and Life Safety was covered by fire cisterns. Also, there is a set of Restrictive Covenants that became effective in 2005 and required NFPA 13D sprinklers on all dwelling units and never got rescinded or amended. These items need to be resolved.

Peter asked to be added to the agenda of the first Board meeting in October.

The Chair tabled further review of this application until the Board's Oct 7th meeting and noted that, since this is a major subdivision, a public hearing will need to be held within 30 days after the application is found complete.

B. Other:

- a) UNFINISHED – Proposed Rules of Procedure; motion to adopt: **Ted moved that the Board approve the Proposed Rules of Procedure, which the Board has been working on for the past year. Heidi seconded. With no discussion, the motion passed unanimously.** Ted will distribute the final document to Board members for their notebooks. Since this changes the structure of the officers of the Board, the next meeting will begin with an election of officers.

Reports

- a) Comprehensive Plan Review Committee: Next meeting is scheduled for Monday, October 5th, at 5pm.
- b) CEO: Joelle spoke about the Maine Land Use Laws book. The bound book will be available at the Town Office for reference as a guidance tool.

Open Discussion

- a) The Board discussed getting a current escrow statement from Loretta for the Board to review any outstanding escrow accounts. Ted plans to request one to review at the first meeting in October. The CEO noted that the only current escrow accounts are Locke Summit Estates for third-party inspections. The remaining escrow for New River has been returned to the applicant. The escrow account for The Pines will go away with the second building. Joelle will mark her calendar for deadline for The Pines to start their next phase; the Chair noted that the first phase of the resubmitted has been completed, and they have notified the CEO that they will not be immediately starting the next phase.

The Chair asked Joelle to have, at the Board's next meeting, an update to the spreadsheet that she maintains regarding applications that are still open.

- b) LD 1730, Plug-In Solar (aka Balcony Solar): Ted distributed the information to the Board members as an FYI. This information will be of interest to the CEO and the Newry Fire Department.
- c) Housing Legislation Guidance – information put out by the Maine Office of Community Affairs and distributed by AVCOG: Ted noted that Erica of MMA has created an abridged version of information. That information was not distributed for this meeting.
- d) Guidance Memorandum for Amendments. This guidance doc was distributed to Board members, and Ted noted that he will also prepare at a later date a Guidance Memorandum for Finding an Application Complete.
- e) Discussion ensued regarding the flow of reviewing applications and amendments. The Board referenced the tracking sheets created by Erica Bufkin as well as the tracking sheet created by the Recording Secretary. Ted noted that he is planning to create a new tracking sheet that ties each Criteria of Approval to the applicable Performance Standard(s).

Next Scheduled Meeting – Wednesday, October 7, 2026. *With no new business, the Sept 16th meeting was cancelled.*

Adjournment Heidi moved to adjourn; Ted seconded. Motion passed with all voting in favor. The meeting adjourned at 7:21 PM.