

Town of Buxton
Planning Board Minutes
September 11, 2023

Minutes prepared by Heather Shaffer

Chairman Keith Emery called the meeting to order at 7 pm noting attendance of:

Members present: Craig Lefebvre, Jere Ross, Chris Baldinelli and Roger Tracy. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Heather Shaffer, Code/Planning Executive Assistant. Others in attendance: Cliff Thomas, Max Varga, Henry W. Huntley, David Cowan, Pamela Matulonis and Joshua Paulsen.

**PUBLIC HEARING - Max Varga - Marijuana Dispensary Application- 400
Narragansett Trail, Map 12, Lots 1 & 2**

Jere Ross Motioned to open Public Hearing at 7:02 pm and Chris Baldinelli seconded. Motion passed 5-0.

Keith emery began the public hearing by reading a letter from Gabor Korthy of Sandor, LLC, Max Varga's landlord, which was a statement approving of the applicant's use of this rental space and applauding the applicant's entrepreneurial spirit and motivation. The letter confirmed that Max Varga has been a lease holder for the past two years and has proven to be a good and responsible tenant.

Craig Lefebvre then asked if the Fire Chief had any comments. Patti McKenna, CEO, updated the board with recent email correspondence received from Chief Schools noting that he will need to do an inspection of the entire building before recommendations and/or approvals are made.

Roger Tracy clarified that the dispensary is completely separate from the downstairs grow operation.

Keith Emery pointed out that there have been issues with odor from the bottom unit and that neighbors have had many complaints about the odor. Patti McKenna, CEO noted that the applicant had installed Carbon air filters and that the odor problems have improved.

Keith Emery asked the applicant to provide the intended hours of operation. Max Varga confirmed that, as discussed at the site walk on with board members, he would commit to operating hours of 8:00 AM to 8:00 PM seven days a week.

Roger Tracy mentioned the fact that the Landlord occasionally uses parking spots intended for the applicant's rented spaces for larger outdoor inventory. He asked the applicant if the spaces will be cleared for his use. The applicant replied yes.

Chris Baldinelli asked if the cosmetic issues and minor repairs discussed at the site walk had been addressed with the landlord. The applicant stated that he has spoken to the landlord and the painting will be addressed as well as repairs to the handrail. The landlord will also have someone come and assess the tree in the back of the building.

Jere Ross wished to reiterate that this public hearing is only for the application of the dispensary. The grow facility downstairs cannot be prohibited, and the upstairs unit is not connected to the downstairs unit.

Keith Emery asked what steps were taken for the odors in the downstairs unit. The applicant confirmed that he purchased two charcoal filters that work 24 hours a day and is investing in a new air conditioner.

Keith Emery asked if any abutters wished to speak.

Pamela Matulonis addressed the board being an abutter who has lived at her current residence for 47 years. She stated that she is bothered by the odor coming from the current grow facility and that her dogs go crazy when people park on or near her property. She has noticed vehicles have at times parked on 202 as well near her mailbox. She is also extremely worried about this business encouraging break-ins.

Roger Tracy reiterated that there are two separate units. The odor had been generated from the grow facility on the bottom unit. Keith Emery noted that there should be no parking on 202. Jere Ross pointed out that break-ins would be a police issue and asked the applicant about security and how many break-ins had occurred. The applicant stated that he has a private security system for his units, and he is only aware of two attempted break-ins in the past few years. One at his unit and an attempted break in at Aubuchon's as well.

Pamela Matulonis is not happy that the grow facility is there due to the excessive odor. She said the odor goes through her entire house at times and she cannot open windows. The applicant stated that he does not want odor to be a nuisance for her and has made improvements and will continue to make improvements to eliminate this problem.

Chris Baldinelli asked the applicant to keep the Code Enforcement Officer informed of the improvements he makes. Patti McKenna asked for any abutters to alert her as well when they notice odors. Odor is a nuisance covered by State law.

Jere Ross expressed that the public hearing is for the dispensary, and it will not generate the odor.

Keith asked if anyone from the public would like to speak. No one in attendance wished to address the board.

Keith Emery asked if the Code Enforcement Officer had any other comments on this subject. Patti McKenna pointed out that the current septic system is rated for 8 employees and 96 gallons per day. A two-bedroom house is rated for 180 gallons per day. We should ask for something from a licensed site evaluator so that the system can handle the number of employees that are and will be there. She also stated that the parking requirement for the hardware / retail store when it was approved was 40 spaces based on 6,000 square feet of retail space. She doesn't think there are currently 40 spaces and questioned the current number of parking spaces for the location as there may be fewer spaces than the original plans had stated.

Patti McKenna asked how many employees the applicant intended to have. Max Varga indicated there will never be more than two employees and that the previous businesses in the unit had more than two employees.

Jere Ross said that there should be a condition that Aubuchon Hardware cannot store materials in Mr. Varga's dedicated parking spaces.

Craig Lefebvre asked if the board should include a condition to get the total number of employees for this location (including Aubuchon) and asked how many bathrooms the applicant had in his units. The applicant confirmed there is one bathroom in each unit. The grow facility only uses a 50-gallon bucket of water every 3 or so days and anticipates very little usage from the dispensary.

Jere Ross stated that the septic plans show rating for 8 employees if Aubuchon has four and the applicant has two this should be ok.

Jere Ross made a motion to close the Public Hearing. Roger Tracy seconded. Motion passed 5-0.

Keith Emery read the standard conditions of approval.

Craig Lefebvre suggested additional conditions to include fixing the hand railing, having a site evaluator inspect the septic system and scheduling an inspection with the fire chief and complying with any and all of the fire chief's recommendations.

Jere Ross added a condition that there will be no parking on Route 202. And that the septic system is inspected and deemed adequate for 8 people.

Chris Baldinelli stated that there should be a condition that eight parking spaces (one space being handicapped accessible) are available for the 2 units that Mr. Varga rents and that no material will be stored in those parking spaces.

Chris Baldinelli made a motion to approve the application with the conditions stated this evening and from previous meetings. Craig Lefebvre seconded. Motion passed 5-0

Appointment -Wyatt Properties, LLC - David Cowan - Parking/Storage Permit Application, Narragansett Trail, Map 8-25-1

Keith Emery and Craig Lefebvre attended the site walk for Wyatt Properties on September 5, 2023. Keith Emery noted that there were no plans to cut trees as they are a buffer for neighbors and read the agreement that David Cowan provided pertaining to the terms requested by the town. These terms are as follows:

1. No vehicles dismantling will take place on the property
2. No repairs on vehicles will take place on the property
3. No fluids will be allowed to leak from vehicles.
4. All drop off & pick up traffic will be between the hours of 7:00 AM and 7:00 PM

Craig Lefebvre addressed the concern of potential fluid leaks from vehicles. David Cowan stated that most of the vehicles the tenant has purchased are mostly dealing with cosmetic issues and that none of the vehicles brought to his lot thus far have had major visible damages.

Chris Baldinelli noticed that there were 21 cars and 1 camper when he viewed the site and asked if there was a cap on the amount on vehicles to be stored. The applicant stated that he did not find it necessary to institute a cap of vehicles. The lot has plenty of space but does not foresee a full lot as majority of vehicles are coming from a tenant that will drop short term and revolving vehicles.

Roger Tracy wanted to confirm that this would not turn into a junkyard situation.

Chris Baldinelli made motion to set a public hearing for October 9, 2023 (**changed to October 23, 2023, after the meeting upon discovering that this was Indigenous Peoples Day**). Craig Lefebvre seconded. Motion passed 5-0.

Appointment –Joshua Paulsen – Meadow Brook Lane – Map 45-11- asking to wave pavement requirement for family subdivision.

Joshua Paulsen addressed the board clarifying that the dwelling he intends to build will be located on the 5-acre piece of land located on the left side of the private road. His mother's house is straight ahead on the private road and the Cusack's have the third lot located on the right side of the road. He plans on adding just a driveway sat the end and his property entrance will not be built where the hammerhead is located. Jere Ross asked who was doing work on the road and the applicant indicated that the families have a road maintenance agreement in place and all chip in for road maintenance and improvements. They will be adding culverts this coming weekend.

Chris Baldinelli asked for a copy of the road maintenance agreement for the file. Patti McKenna confirmed that a road maintenance agreement is a requirement in the Town's Ordinance.

Jere Ross made a motion to set a site walk for Monday, September 18, 2023, at 6: 00 pm. Chris Baldinelli seconded. Motion passed 5-0.

CEO Report: CEO McKenna provided copies of a comparison chart she has been working on to research other towns and their private road standards. Her next step is to continue collaboration with Fire Chief Schools to put something together to present to the Planning Board and eventually the attorneys for review. She also pointed out that of the town's she could find private road standards, none have 24' width requirements for private roads.

Jere Ross recognized the importance of getting standards for our private roads with an emphasis on making sure emergency vehicles can traverse.

Approval of Minutes: Meeting minutes from August 28, 2023, were reviewed. Chris Baldinelli motioned to approve the minutes with correction to page 4 paragraph 3 as noted. Craig Lefebvre seconded; motion passed 4-0.

Approval of Bills: None

Communications: None

Other Business: Discuss private roads (covered in the CEO report)

Attendees may address the board:

Cliff Thomas addressed the board to suggest that the town should amend the road acceptance ordinances. He believes Subdivisions should be private roads making them less of a burden on the Town and would love to see such an amendment or elimination of road acceptances put to the Town for a vote.

Adjournment: Chris Baldinelli motioned to adjourn the meeting at 8:24pm, the motion was seconded by Craig Lefebvre. Motion passed 5-0

Date Approved: 9-25-23

Signed: Kent Evers