

Town of Buxton  
Planning Board Minutes  
September 25, 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, Henry W. Huntley, Joshua Paulsen, Wendolyn Clarke, om Lanucha, Dana Packard, Nathan Schools, Scott Warchol, Dave Harmon, Kevin Collins, and two others who did not sign in.

**Appointment - Joshua Paulsen -Discuss site walk for Meadow Brook Lane - Map 8, Lot 45-11 - Asking to wave pavement requirement for family subdivision.**

Chairman Emery asked Joshua Paulsen to address the Board to recap his application and assist with questions the board may have regarding their recent site walk of his property and road. Joshua Paulsen explained that he is asking for a waiver of the pavement requirement for his private road for family land gifted to him by his mother. Roger Tracy had no concerns about the road and felt the road was wide enough. Craig Lefebvre noted that the Culverts were working, and he does not have any worries about the condition of the road. Keith Emery noted no concerns for the road but asked that seed and mulch be put down where needed. Chris Baldinelli noted there was a small amount of ditching to finish, but the water was running where it was supposed to, and he had no concerns about the road. He did ask the applicant about the turnaround needing to be widened. The applicant stated that he will make those improvements. Keith Emery asked that the applicant show the fire chief when that is completed for the fire chief's approval. Jere Ross stated that the site walk occurred during a downpour of rain and the culverts were working as they should, so he had no issues about the road.

Discussion was had regarding the upcoming Holiday on October 9, 2023, which would be the Planning Board's next scheduled meeting. Craig Lefebvre motioned to change the date of the next Planning Board Meeting from Monday, October 9, 2023, at 7:00PM to Tuesday, October 10, 2023, at 7:00PM. Roger Tracy seconded. Motion passed 5-0.

Jere Ross motioned to hold a Public Hearing for Joshua Paulsen on October 10, 2023. Craig Lefebvre seconded. Motion passed 5-0

**Appointment -Dana Packard - Saco River Theatre- Karate/Yoga/Dance- Salmon Falls Road - Map 12, Lot 39**

Dana Packard addressed the Board to explain that the Saco River Theatre would like to utilize the white church next door to the theatre as well for an opportunity to offer a variety of classes to the community. He mentioned that currently they are asking for Karate from Erin Parker at Saco River Martial Arts, but he foresees Zumba, Yoga, dance classes and the like in the future. Keith Emery noted that the location seemed to provide plenty of off-street parking with nice wide shoulders. The applicant mentioned correction to the trash for the properties and corrected 10.9 on his application. The applicant will take the trash to the transfer station but mentioned looking into a small, serviced dumpster if they were to decide against bringing the trash to the transfer station in the future.

Roger Tracy stated that it was a great idea to offer diverse classes and asked if there were possibly more types of class offerings that should be included in the application. Dana Packard envisioned many possibilities to include acting classes, theatre camp and music classes. He did not anticipate scheduling more than one class at a time.

Keith Emery pointed out that the Board would need to make sure that there are enough parking spaces.

Craig Lefebvre asked about the lighting for the building and wanted to make sure the lighting would be adequate and did not bother surrounding properties. The applicant listed that the building had 2 lights at the front entrance, 1 light at the side entrance, a spotlight from the back of the parking lot and two floodlights from street poles. The applicant confirmed that there have been no complaints of the lighting from any of the neighbors, but they can make sure they are all downcast.

Chris Baldinelli pointed out that the applicant should set up a walkthrough with Fire Chief Schools so that he can review and make recommendations if needed.

Keith Emery pointed out section 10.12, asking the applicant to hire a site evaluator to verify that the holding tank is adequate and functioning properly. Roger Tracy asked how often the tank is pumped. Per applicant the tank has never been pumped more than twice a year. Craig Lefebvre asked for the size of the tank and that the applicant can contact the company that last pumped the tank to get the information needed.

Roger Tracy motioned to schedule a site walk for Dana Packard, Salmon Falls Road, Map 12, Lot 39 for Monday, October 2, 2023, at 5:30 PM. Chris Baldinelli seconded. Motion passed 5-0.

**Appointment – Robert and Robyn Cuffey – 244 Rankin Road -Map 6, Lot 67B – request for family cemetery**

Wendolyn Clarke addressed the board as a friend of Cuffey's, indicating that Robyn Cuffey has appointed Wendi as her designated Representative. The Cuffey's own 18 plus acres and are looking to have a small 10X10 family plot on their property.

Jere Ross asked if there were any State laws that should be addressed. CEO McKenna indicated that they would need to record the plot at the Registry of Deeds once approved.

Keith mentioned they would need to fence the family plot. Chris Baldinelli asked the applicant's representative to confirm that the plot was intended to go in the back corner of their property and Wendolyn replied that the plot was not drawn to scale on the application, but it would be a 10X10 plot in the back corner of the property. Chris asked if there are setback requirements. CEO McKenna confirmed that there were no setback requirements other than the setback requirement of 25 feet for a structure from the cemetery.

Wendolyn Clarke clarified that the declaration will be recorded at the Registry of Deeds in the coming week and that there are no repercussions if this were not approved by the board. The Deed will not be recorded until Robert Cuffey (or his heirs) were to sell the property.

Roger Tracy asked if there was any intention for the family plot to be larger than the 10X10 plot being requested. Wendolyn Clarke indicated that the Cuffey's were the only two people that will potentially utilize the plot.

Jere Ross indicated that a site walk would not be necessary and made a motion to schedule the Public Hearing for Tuesday, October 10, 2023. Chris Baldinelli seconded. Motion passed 5-0.

**Town of Buxton – Mary Jane Road to Bunting Hill Road – Map 4, Lot 18 Radio Communications Tower**

Mark Blier, Selectman for the Town of Buxton addressed the Board to indicate that the application for the Radio Tower is an opportunity to improve emergency communications. They have a Purchase and Sale agreement in place to purchase the land that has been indicated to be the best spot in Town for the communications Tower.

Keith Emery asked how many more towers would be needed. Mark Blier responded that we also have a tower "microwave" at the Chicopee fire station and the new tower

will be replacing the old tower in Buxton Center for the purpose of improving communications.

Jere Ross asked if cellphones being used would eliminate the need for a tower. Mark Blier indicated that the responders do not use cellphones while responding, but rather the radio communications that necessitate the tower. When a radio communication is used, all responders can hear it as opposed to just one cell phone user to another cell phone user.

Chris Baldinelli asked if the tower fell would it be within setbacks. Mark Blier indicated that they plan to be well over the required setbacks. Mark responded that the tower is planned to be setback 170 feet. The tower is 120 feet tall and 125% of the tower is 150 feet.

Keith Emery asked where the driveway would be and what the road frontage was. Mark Blier responded that the driveway would be coming from Bunting Hill Road and that there was 50' of road frontage. There was discussion regarding the amount of road frontage required. CEO McKenna then read Section 10.1 regarding road frontage (I have included a copy from the zoning ordinance for reference).

## **ARTICLE 10 - PERFORMANCE STANDARDS -- GENERAL REQUIREMENTS**

The following standards shall apply to all uses as appropriate in the various Zoning Districts:

### **10.1 Access to Lots.**

10.1.A. No building permit shall be issued to erect any structure on a lot without frontage on a public or private way and such lot is not part of a subdivision as defined in Article 2 of this Ordinance unless an access road meeting the following criteria has been constructed within a deeded right-of-way that is fifty (50) feet in width. Any access road serving more than one unit shall have a road maintenance agreement in place prior to the issuance of a permit for a second dwelling. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the access road. The finished surface of the access road shall be constructed to a minimum width of twelve (12) feet for the entire length of the road including its most distant terminus if serving one dwelling unit and fifteen (15) feet for the entire length of the road including its most distant terminus if serving two dwelling units. The access road shall contain a minimum depth of fifteen (15) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving three or more dwelling units shall meet the road acceptance regulation of this Ordinance for the entire length of the road including its most distant terminus: (amended June 15, 2002, amended June 14, 2003, Amended June 14, 2008)

10.1.A.1. No building permit shall be issued to erect a structure which is located more than 100 feet from a public or private way unless an access road meeting the

construction standards of Section 10.1.A. has been constructed. Any such access road being more than 500 feet in length shall be provided with a 60-foot backing space at the closed end to permit the turning of emergency vehicles.

10.1A.2 No Access to any lot is permitted by way of the ends of the hammerhead.  
(Amended 6/18/05)

Keith Emery wanted to make sure that the creation of this 3-acre lot did not produce a land locked lot now or in the future. Keith Emery also expressed concern regarding the access road and believes this will need to be widened as it is the third lot on the private road. Patti referred to section 10.1 of the zoning ordinance and it was clarified that the tower was not a third dwelling on the road.

Roger Tracy asked if this was a new build or if the tower was being moved. Mark Blier confirmed that this will be a new build and that the tower will be 120 feet higher which is needed to get the signal over the mountain and improve communications.

Chris Baldinelli asked what type of Tower it would be. The answer was a self-supporting tripod. Power will be supplied going up Bunting Hill Road above ground to the site. There will be a 15X30 pad built and will house the tower, a small shed (approximate size 10X10) to hold the generator and radio equipment. There will also be lights and fencing and engineering will tell us exactly what is needed once this is approved.

Chris Baldinelli made a motion to schedule a site walk for Thursday, October 5, 2023, at 5:30 PM. Craig Lefebvre seconded. Motion passed 5-0.

Jere Ross did ask the applicant to provide better copies of the Tax Map for this file and the survey.

**CEO Report:** CEO McKenna provided an update on her work regarding proposed ordinance changes. She is still working on private road standards with the Fire Chief. She also pointed out that section 10.14 needs corrections to correct the reference to aquifers in 1991 comp plan. The list of ordinances to address also included limiting industrial vehicle repairs to only be permitted in Business Commercial Zone, as well as a suggestion of putting a cap on the number of Marijuana dispensaries. CEO McKenna also shared a recent inquiry into the allowance of a Flea Market in the Business Commercial Zone. The Board agreed that it should be added to the land use table as conditional use in the Business Commercial Zone. CEO McKenna will add this item to the list of proposed ordinance changes as well. Discussion was had to address yard sales as well, which are different than flea markets and should be clearly defined. Attendee Scott Warchol asked about Air B&B's, for which the board stated the

definition could be added and clarified and parking for Air B&B's may need to be addressed as well to ensure parking is off street.

**Approval of Minutes:** Meeting minutes from September 11, 2023, were reviewed. Chris Baldinelli motioned to approve the minutes as written. Craig Lefebvre seconded. Motion passed 5-0.

**Approval of Bills:** Jere Ross Motioned to approve three Planning Board bills to the Portland Press Herald in the amount of \$153.73 (Jere approved the amount of \$172.27 but this amount included invoices from other departments for the Portland Press Herald). Craig Lefebvre Seconded. Motion passed 5-0.

**Communications:** Keith Emery mentioned that an open letter to town officials contains complaints specifically against Saint's Auto location to include tire burnouts in the road, shooting guns/target practicing, speeding, etc. The letter claims this originates from the Saint's Auto property. Craig Lefebvre wanted to make it absolutely clear that Saint's Auto and Wyatt Properties, Inc. are totally separate properties. It was important to specify that Wyatt Properties, Inc. is not in business with Saint's Auto as this has been a common misconception. Jere Ross stated that because he lives near this area, he can confirm that there are tire burnouts and gunshots in that area and while he may not care for the noises in the neighborhood, he is aware that residents are allowed target practice on their property and hope that everyone is being safe about it. Jere Ross did have conversations with some of the area residents and he assured them that Wyatt's Properties, Inc and Saint's Auto are separate businesses. Roger Tracy pointed out some of the complaints are not handled by the Planning Board. CEO McKenna assured the Board that the appropriate departments within town are investigating the complaints.

**Other Business:** None

**Attendees may address the board:** No attendees wished to speak at this time.

**Adjournment:** Chris Baldinelli motioned to adjourn the meeting at 8:09 PM, the motion was seconded by Craig Lefebvre. Motion passed 5-0.

Date Approved: 10-10-23

Signed: 