

Town of Buxton
Planning Board Minutes
October 10, 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 and Roger Tracy. Chris Baldinelli was absent. 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, Dana Packard, Dave Field, Frank Pulsoni, Mark Blier, John Regan and Police Chief Collins.

Public Hearing – Joshua Paulsen - Meadow Brook Lane - Map 8, Lot 45-11 - Asking to wave pavement requirement for family subdivision.

Craig Lefebvre made a motion to open the Public Hearing at 7:01 PM for Joshua Paulsen Meadow Brook Lane - Map 8, Lot 45-11. Roger Tracy Seconded. Motion passed 4-0. Chairman Emery asked Joshua Paulsen to address the Board to recap his application. The applicant stated he is asking for waiver of pavement for family subdivision on dirt road. Chairman Emery stated that the applicant has already done a lot of work on the road. Chairman asked clarified that Planning Board member Roger Tracy was a relative of the applicant and can provide input during the hearing but would not be voting for this. Roger Tracy stated that he is aware of all the work done to the road and knows it is wide enough and saw no issues. Chairman asked if any board members, abutters, anyone in the public and the CEO if they had anything to add. None wished to comment further.

Craig Lefebvre made a motion to close the public hearing at 7:03 PM. Roger Tracy seconded. Motion passed 3 -0- 1 with Roger Tracy abstaining.

Chairman Emery listed the conditions of approval as follows:

All elements and features of the plan and all representations made by the applicant concerning the development and use of property which appear in the record of the Planning board proceedings, are a condition of the approval. No changes from the condition of approval is permitted unless amended plan is first submitted to and approved by the planning board.

The applicant be in compliance with all applicable provisions of Article 10.1B.

All outstanding bills to be paid before the building permit is issued.

DEP permit concerning the crossing of wetlands to be provided to the Code Enforcement Officer conditions upon receipt, noting that DEP paperwork would be required with recent update of wetlands.

Craig Lefebvre made a motion to find the applicant to be in compliance with all applicable provisions of Article 10.1B based on previous discussions. Seconded by Keith Emery. Motion passed 3 -0- 1 with Roger Tracy abstaining.

Craig Lefebvre made a motion to approve the application with the conditions stated this evening and from prior meetings. Jere Ross Seconded. Motion passed 3 -0- 1 with Roger Tracy abstaining.

Public Hearing – Robert and Robyn Cuffey – 244 Rankin Road -Map 6-67B – request for family cemetery

Craig Lefebvre Motion to open public hearing at 7:08 p.m. for Robert and Robyn Cuffey. Roger Tracy Seconded. Motion passed 4-0

Wendolyn Clarke addressed the board as Robert and Robyn Cuffey's designated Representative. They intend to establish a family cemetery plot on their property. The final Declaration containing the revised map and placement has been recorded and a copy has been passed to the board this evening.

Chairman Emery asked if anyone would like to speak.

Abutter, John Regan of 86 Rankin Road, addressed the board to say that he appreciated receiving the notice and is not opposed to the family plot but is curious as to where it would go. A copy of the map was provided to Mr. Regan.

Chairman Emery asked if the CEO had anything to add and discussed which conditions related to this application. She did not. Chairman Emery discussed the conditions of approval needed. CEO Mckenna confirmed that the applicant answered everything from Article 8.2B and Article 10.

Craig Lefebvre motioned to close the Public Hearing at 7:18 PM. Roger Tracy seconded. Motion passed 4-0.

All elements and features of the plan and all representations made by the applicant concerning the development and use of property which appear in the record of the Planning board proceedings, are a condition of the approval. No changes from the condition of approval is permitted unless amended plan is first submitted to and approved by the planning board.

The applicant be in compliance with all applicable provisions of Article 8.2B and 10. All outstanding bills to be paid before the building permit is issued.

Jere Ross made a motion to approve finding the applicant in compliance with based on all applicable provisions in Articles 8.2B, 10 and 11. Craig Lefebvre seconded. Motion passed 4-0.

Jere Ross made a motion to approve the facts and findings as written. Craig Lefebvre seconded. Motion passed 4-0.

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

Dana Packard addressed the Board as they discussed the recent site walk. Chairman Emery recapped the site walk stating that if you stand in the parking lot and see everything. The well is on one side of the lot, the septic on the other side and there is plenty of parking. He is already in ADA compliance. Jere Ross saw no issues with parking but asked the applicant to address the spotlights on the telephone pole. Roger Tracy thought the amount of parking spaces suffices the use. Applicant assured the board the holding tank would be inspected and the spotlights on the telephone poles would be addressed.

Dana Packard asked that the Public Hearing be delayed until November 13, 2023.

Jere Ross made a motion to schedule the Public Hearing for November 13, 2023. Craig Lefebvre seconded. The motion passed 4-0.

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

Mark Blier, Selectman for the Town of Buxton addressed the Board to recap that the Town is asking to put a Radio Communications tower at the end of Bunting Hill Road. Chairman Emery commented that it seemed like a nice area for the tower. Roger Tracy asked the applicant if the Town would be maintaining that access road. Applicant stated that there were two houses on the road and so the town would share 1/3 of the responsibilities of said road. Roger asked if there would be a road maintenance agreement and Chairman Emery stated that there must be a road maintenance agreement.

Craig Lefebvre mentioned that the neighbors aren't really going to see it.

Chairman Emery said his issue was the lack of road frontage. He feels that the lot should have 200 feet of road frontage. CEO McKenna believes that section 10.1 requires them to have 50 feet of frontage on the access road. Keith suggested that the Town confirm this with an attorney. Mark Blier believes that they have close to 200 feet of road frontage.

CEO McKenna referenced 10.1.B.4. Jere Ross read the ordinance aloud and is included here for reference.

10.1.B.4. The individual lots served by the private access road must have at least fifty (50) feet of frontage on the access road and must meet the lot width requirement of the zone in which they are located.

Jere Ross asked the applicant if they were planning on building a 50 foot right of way. Mark Blier asked if they can show the capability of having the 50 feet but only build the 12-foot driveway. Jere Ross noted that access to this lot is from a private Road. He Believes Keith would be correct if this was a public road, but Chairman Emery stated the zone that the lot is in is what dictates the road frontage. Mark Blier stated that he believes they have 200 feet of road frontage on Bunting Hill Road and discussion was had how to have the applicant depict this, but they should wait until they can confirm these issues with an attorney. Jere Ross mentioned that he had been unaware that Buxton had a ski area until the site walk. Mark Blier asked what type of road maintenance agreement is required. The current two owners of Bunting Hill Road do not have a road maintenance agreement. He asked if the agreement would need to be approved and recorded before the approval of the tower would be given. Chairman Emery said that if it is being worked on the agreement could be a conditional of approval. Roger Tracy mentioned the importance of having the specifics of the road maintenance agreement so that all owners on the road agree with what is proposed.

Jere Ross made a motion to schedule a public hearing for October 23, 2023. Roger Tracy seconded. Motion passed 4-0.

CEO Report: CEO McKenna provided a list of proposed zoning changes and there is a proposed change for each item on the list. The goal was to provide this to give the board time to review before discussing. Chairman asked if Greg Heffernan was aware of the changes proposed to the solid waste ordinance. CEO McKenna confirmed that Greg was aware and the board has already had a Public Hearing on the Solid Waste Ordinance proposed change.

Approval of Minutes: Meeting minutes from September 25, 2023, were reviewed. Craig Lefebvre motioned to approve the minutes as written. Jere Ross seconded. Motion passed 4-0.

Approval of Bills: Jere Ross Motioned to approve three Planning Board bills to the Portland Press Herald in the amount of \$157.44. Roger Tracy seconded. Motion passed 4-0.

Communications: Chairman Emery had a discussion with Patti regarding a property on 202 which has a large tent appearing to be setting up for an event. Chairman Emery is unaware if this is for a personal or public event, but the owner has been contacted to come before the board to obtain a permit for such use and has not yet done so.

Roger Tracy indicated that he had been approached by one of the abutters for the proposed tower and they were hoping that the Town would take over road maintenance on Bunting Hill Road.

Other Business: CEO McKenna mentioned that she had added a proposed zoning amendment that had not been previously discussed. She is proposing to adopt practical difficulty standards for variances. There are practical difficulty standards in state law that are slightly easier to meet than the hardship criteria. (#1) variance criteria are hard to meet. She did discuss it with the two of the Appeals board members and they are in favor of it.

Chairman Emery mentioned that for the changes the private road standards need to be clear about the standards for the road with the creation of the first lot. If there is enough acreage that would lead to the possibility of other lots being added in the future, then the standard should be started with the first lot.

CEO McKenna stated that it would be best to have these ready for attorney review before scheduling the public hearing.

CEO McKenna touched upon the fact that members of a board should not be discussing applications outside of a meeting. The board should hear the same information at the same time. If those discussions do happen, that board member should report it at a meeting. MMA Manuals are available to board members and are a great resource. One on one discussions outside of the meetings as well as 3 on one discussions, etc. with applicants are considered ex-parte communication. Roger Tracy mentioned that he would not want to be unapproachable at all and that when approached he would bring it up in the meeting.

Attendees may address the board: Henry Huntley addressed stating he likes the direction the board is taking on private roads. The board to say that it would behoove anyone building on a private road to have the road construction documented while under construction by CEO and Public works. He also asked for clarification of the proposed change for aquifers. CEO McKenna explained the proposed change on that is to correct a reference in the ordinance to a map that no longer exists from 1991 and refer to the State's geological aquifer map.

Adjournment: Craig Lefebvre motioned to adjourn the meeting at 8:03 PM, the motion was seconded by Roger Tracy. Motion passed 4-0

Date Approved: _____

Signed: _____