

Town of Buxton
Planning Board Minutes
August 28, 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 Chris Baldinelli. Roger Tracy was absent. Also attending on behalf of the town: Code/Planning Executive Assistant, Heather Shaffer. Others in attendance: Cliff Thomas, Max Varga, Henry W. Huntley, and David Cowan.

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

Max Varga addressed the board to discuss the recent Site Walk attended by Jere Ross, Chris Baldinelli, Roger Tracy, and Craig Lefebvre. Craig Lefebvre noted the upper parking had great site distance and that the applicant has additional parking if needed. He did point out a few issues that were mentioned that need attention including a handicap deck handrail that was shaky.

Keith Emery noted that he was not at the prior Planning Board meeting and did not attend the Site walk on August 21, 2023.

Chris Baldinelli spoke to minor cosmetic issues that were discussed as well as safety concerns discussed with applicant during the site walk. Chris is not overly concerned as the applicant should be able to address these issues with the building's owner.

Jere Ross noted that they observed plenty of parking and no issue with the building entrances at their site walk. He did ask the applicant what other paperwork he may be waiting on from the State. Max Varga indicated he would need a license from the State but wanted to complete the task of obtaining the permit from the town first. Jere Ross reminded the applicant that once the State License is obtained, we (the town/CEO Office) will need a copy of that for the file. He also clarified that the State License is a yearly renewal and that he must remember to provide updated licensing to the Code enforcement office.

Keith Emery asked if there was any documentation that they need to see from the building owner/landlord of Applicant's establishment. Chris Baldinelli agreed that they would like to see a guarantee of the parking spots that the landlord is making available to the applicant in writing as well as approval of the landlord for the

dispensary. The Applicant stated that he should have no difficulties in obtaining that for the Planning Board.

Craig Lefebvre asked if the Fire Chief had sent in comments for this application and if the police chief had responded. The board received comments from Chief Schools and asked if the board could obtain any comments from Officer Collins. Heather Shaffer stated that she will follow up on this.

Jere Ross motioned to set a Public Hearing for Max Varga, Marijuana Dispensary Application, 400 Narragansett Trail, Map 12, Lot 1 and 2 for Monday September 11, 2023, at 7:00pm. Chris Baldinelli Seconded. Motion passed 4-0

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

David Cowan addressed the Board to discuss his plans for the lot located across from Saint's Auto on Narragansett Trail. He did articulate that this is not a salvage yard, junkyard or being used for repairing vehicles. His requested conditional use is only for the purpose of parking and storage. He has a few contacts with the need for outdoor temporary storage and thought that renting space on the lot for parking and storage would help him pay the taxes on the property. He does not intend to have this as a permanent use for this property and foresees coming to the board "down the road" to request a permit for a building project once that is decided upon.

Keith Emery mentioned that a big concern for the storage of outdoor vehicles would be the potential for fluid leaks. The applicant stated that no vehicles currently stored or parked on his lot are leaking fluids. And he has emphatically expressed to his current renters that no vehicles that have leaks are allowed to be parked or stored on his lot.

Jere Ross asked the applicant if any of these vehicles were in connection with Saint's Auto. The applicant responded no and stated that this was a common misconception.

Jere Ross asked if the vehicles he has agreed to store thus far are registered vehicles. The applicant stated that his renter is a used car salesman and that all but three or so are currently registered. Jere Ross pointed out that typically 3 or more unregistered vehicles can fall under the category of a junkyard. The applicant understood that point but reiterated that these spots are being rented for temporary outdoor storage/parking and that his renter rents by the month and periodically shifts his inventory changing which vehicles are stored. Jere Ross asked for clarification as to how customers are charged. The applicant stated that it is typically \$50.00 to \$100.00 per month for the outdoor storage and parking fee.

Jere Ross asked if the applicant owns this property outright – the applicant confirmed yes. He mentioned that fencing and/or buffering should be discussed. The applicant pointed out that enclosing the lot would invite vandalism.

Craig Lefebvre understood the points against fencing made by the applicant and acknowledged the applicant's desire to do something different with the property down the line. The applicant also stated that the current vehicles on his lot are not close to the road and are at the back of the lot with a natural border of trees behind the currently stored vehicles.

Keith Emery asked if there were any other questions for the applicant and mentioned a site walk should be scheduled.

Jere Ross Motioned to schedule a site walk for Wyatt Properties, LLC – David Cowan – Parking/Storage Permit Application, Narragansett Trail, Map 8-25-1 for Tuesday, September 5, 2023, at 6:00 pm. Chris Baldinelli Seconded. Motion carried 4-0.

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

Chris Baldnelli noted that the applicant was not in attendance and that it should be tabled until the applicant can be present to discuss the application. The Board discussed the location of this private road and Keith Emery and thought that part of this is already exempt. Jere Ross pointed out that he is asking for this due to adding a new house lot.

CEO Report: CEO Mckenna did not attend the meeting.

Approval of Minutes: Meeting minutes from August 14, 2023, were reviewed. Chris Baldinelli motioned to approve the minutes as written. Craig Lefebvre seconded; motion passed 3-0.

Approval of Bills: None

Communications: None

Other Business:

Chris Baldinelli wanted to mention that although there were no bills to be approved this week, he had discussion with a member of the budget committee because of the bill submitted at the last meeting for Southern Maine Planning and Development Commission for annual dues. It was suggested to him that this annual fee should be added to the Planning Board budget, so it was clear as to what these funds were needed for as opposed to the current method of using which the selectmen's miscellaneous

account. Keith Emery stated that is for the Town to include CEO and Selectmen. He mentioned previous issues and had no problem keeping it with the selectmen's budget.

The Planning Board reviewed and signed the site plan for Mowry Brothers Pools at the close of the meeting.

Discussion of private roads: Jere Ross stated that if people did not want to pave their private roads, then they should not have to but if they wanted it to become a public road, they would have to bring the road to public road standards including paving before the town would accept it as a public road.

Jere Ross stated that the sticking point is access for emergency vehicles and would like to get input from Chief Schools as well. Jere Ross pointed out that the Code Enforcement Officer is following the ordinance that states if a third dwelling is built on a road, the road must be paved and meet public road standards. Jere Ross also pointed out that residents on many of these private roads could not afford to bring the road to public standards and that the Planning Board has received requests from a private road that did not meet the minimum standards and had also recently received a request to wave the paving for a private road that exceeded public roads standards, so it is important to find a middle ground and come up with a minimum standard.

Craig Lefebvre agreed pointing out that the minimum standards would be for accessibility of emergency vehicles down public roads.

Keith Emery suggested that all roads be required to meet town road standards and Jere Ross stated that it was hard to impose "after the fact" and that many of the private roads started out as a single house lot being further divided as time went on with the new house lots expanding from the original driveway.

Chris Baldinelli suggested that the 20 ft standard be implemented on the second house going forward to eliminate those issues in future subdivisions. Jere Ross mentioned that it may be hard to enforce.

Keith Emery pointed out that it will need to be addressed, but the ordinances are how the public has voted so we are stuck with it for now.

Keith Emery asked if marijuana dispensaries should be limited as there are so many in Portland and other towns, he does not want 202 to look like these saturated towns. They will have to wait until next June to propose a limitation on number of Dispensaries.

Attendees may address the board:

Henry W. Huntley addressed the board to express his gratitude at the discussions and work the planning board is doing to address private roads. Concerned about affordability. The cost of homes must be high to justify the cost of such infrastructure. He sees the value in having a private road ordinance and pointed out the safety factors and road maintenance agreements that should be included in such an ordinance.

Cliff Thomas mentioned that the Town Attorney has pointed out that it is not a requirement to accept private roads. Developments cost everyone in the town money. Very seldom do developments pay for themselves and the acceptance of private roads only puts the liability on the town later.

Adjournment: Craig Lefebvre motioned to adjourn the meeting at 7:57pm, the motion was seconded by Chris Baldinelli. Motion passed 4-0

Date Approved: 9-11-23

Signed: Boat Emery