

Town of Buxton  
Planning Board Minutes  
January 22, 2024

Minutes prepared by Patti McKenna

**Chairman Keith Emery called the meeting to order at 7 p.m.**

Members present: Chris Baldinelli, Jere Ross, Craig Lefebvre. Roger Tracey was absent. Also attending on behalf of the town: Patti McKenna, Code Enforcement. Others in attendance: Cliff Thomas, Scott Warchol, David Cowan, Andrew Morrell from BH2M.

**Appointments:**

**Paul Levesque with an animal husbandry application for 292 Dunnell Road on map 7 lot 59-1-1 review site walk and set public hearing.** Paul was not present. Paul was asked at the last meeting to provide a site plan sketch showing the distance of the chicken coup to buildings on abutting lots and to wells on abutting lots. None of the Planning Board members were able to attend the site walk. The Board asked CEO McKenna to notify the owner that they may be stopping by the property on an individual basis prior to the next meeting. The Board was not in favor of scheduling the public hearing until they receive the sketch requested at the last meeting. The applicant will be informed of this.

**Wyatt Properties – Narragansett Trail – Map 8 Lot 25-1A – Conditional use sketch plan preliminary for warehouse buildings.** Andy Morrell from BH2M spoke representing David Cowan, property owner. Andy explains the project. The property is on Narragansett Trail across from Dearborn's Construction. They are proposing 2, 7,000 square foot buildings as flex space with 1-3 units per building. The garage doors are proposed to be in the front of building. They have provided 28 parking spaces. Using the parking requirements for warehouses, which is a conditional use in the Limited Commercial zone. There is a dumpster planned to be located in between the buildings. There is 28 feet between the buildings. The buildings are less than 10,000 square feet in size so that doesn't trigger having to be sprinkled. They are having the wetlands delineated by Mark Hampton Associates. The stormwater plan is that the water will sheet flow across the parking lot to a level spreader located to the front of the parking area and directed towards the wetland.

There are two items they would like direction from the Board. One is that they would like to keep the parking lot in the front of the property, even though the ordinance states it should be to the side and rear of the property. Also there are 19 spaces shown within the setback. This lays itself to having the building to the rear and the parking to

the front, because of where the wet area is located. Also, that the housing development to the North of the property would not have to be looking at the garage. Another reason is that putting the garage doors and parking to the rear of the property gives more opportunities for vandalism because that would not be visible to the road. Would the Board be willing to allow the parking in the front and not to the rear of the building. CEO McKenna stated that section 10.7.B gives the Board the authority to waive this parking standard on evidence presented by the developer that public health, safety and welfare is best served by a design other than one that conforms to all of the following requirements:

Jere Ross asked if they are aware of the Business Commercial design standards. David Cowan spoke and responded that they are aware of them. Patco Construction is working on the design standards. He provided a copy of the proposed design this evening.

Chris Baldinelli asked where are the responses to Section 10 of the ordinance. Andy Morrell responded that because this is sketch plan only, they didn't provide all of those details. The intention of tonight's meeting is to give the over view of the project and get feedback from the Board.

Jere Ross asked if the applicant owned part of the old railroad in the back? David Cowan was unsure.

Craig Lefebvre asked if the stormwater from the back of the building will be directed to the front stormwater. Andy Morrell stated that they are looking at some type of drip edge drainage for the back and have not developed the full stormwater plan yet.

Keith Emery stated that the property is flat. They were just out there doing a site walk last year when reviewing the outdoor storage application.

Jere Ross stated they will have to get an entrance permit from DOT. David Cowan states he understands that. There may be one from when Dearborn's owned the lot.

Craig Lefebvre asked what kind of business he's looking to lease. David Cowan states he is planning this as flex warehouse space for contractors, like plumbers or electricians to rent to tradesmen. He adds that he will not be renting to anything cannabis related.

David Cowan stated that these units will have a small office and a half bath, and be open garage space. There will be 4, 1500 square foot individual units with walls in between.

Andy Morrell asked the Board if they are willing to consider the parking space to the front of the building. David Cowan stated that the reasoning behind this request is to

keep parking and garage doors to the front will keep the noise farther from residential neighborhood to the rear and be less inviting to vandalism out back.

Jere Ross stated that there is quite a buffer between the last lots of that abutting residential subdivision and this lot. 1500-2000 feet of wooded area.

The applicant will take all of this input and come back with a full application.

**CEO Report:** CEO McKenna provided a copy of the annual report for the town report.

**Approval of Minutes:** Chris Baldinelli made a motion to accept the minutes of December 11, 2023. Craig Lefebvre seconded. The motion passed with a vote of 4-0 in favor.

Jere Ross made a motion to accept the minutes of January 8, 2024. Chris Baldinelli seconded. The motion passed with Chris and Jere in favor. Craig and Keith abstained as they did not attend the meeting.

**Approval of Bills:** There were no bills. Jere Ross took this time to go over the proposed budget request for next year. Much of the budget remained the same as last year. The two increases were for 2% salary increase and for training we are requesting \$250. Last year we asked for \$100 in training. The purpose is to hold a workshop on Planning Board procedure with the whole board, or if attending a class at \$50 per 5 members.

**Communications:**

1. The Board discussed the email from the Town attorney regarding two zoning changes. There were proposed amendments to the zoning ordinance in reference to aquifer maps. The second zoning ordinance was to develop private road standards. The attorney suggested we postpone working on those amendments because the town is currently in litigation over a private road. CEO McKenna reported that she has received mixed messages regarding working on private road standards and felt that we would not have put in the time to work on them with the Fire Chief if we were going to be directed to not move forward with them now. The Board decided to keep moving forward with the private road standards and we can always pull it from the town meeting warrant.
2. The Board was given the 2024 Annual Town meeting dates from the Town Clerk.
3. Risbara filed a notice of intent to file a gravel pit amendment to DEP. They intend to come to the town for permitting after DEP's process.

**Other Business:**

The Board discussed zoning changes that we have been working on.

The goals from this discussion are as follows:

- Heavy duty equipment repair will be proposed as conditional use in the BC and LC zone.
- We need to develop a definition for Heavy duty equipment repair.
- We decided to propose restricting medical marijuana dispensaries to three.
- We will propose to omit one of the conflicts in hours for medical marijuana dispensaries.
- We will propose to add flea markets as a conditional use permit in the BC and LC zone.
- CEO McKenna will check with the Town Clerk to see if we can bring back the vote on electrical permits. After it was voted down at last year's town meeting, the proposal has changed. People were unhappy with not allowing more than 200-amp services. That was omitted. The wording for the electrical inspector having authority to disconnect power was also amended to make clearer that it is intended for a life threatening situation only.
- The Board discussed the proposed changes to adopt practical difficulty standards for variances. CEO McKenna explained that the language comes directly from state law and the appeals board is in favor of this change.
- The Board decided to propose that auto repair garages and service stations are conditional use in the BC zone instead of permitted as they are now. This only means that the Planning Board will review these and not just the code enforcement officer.
- The Board discussed the proposed zoning changes to be in compliance with LD 2003. They feel that our ordinance very closely meets the intent of LD 2003 and aren't interested in bringing the proposed changes to the town meeting this year.

**Attendees may address the board:** Scott Warchol asked to speak. He stated that as we discussed at the last meeting in the discussion of LD 2003, that the comprehensive plan does not correspond to the ordinance in the growth area. There is growth area suggested in the Comp plan that was not adopted in the ordinance.

Scott added that he likes the warehouse application and thinks this is the beginning of business growth. He would like to see the parking out back. Maybe they don't need as much space between the parking and the building? If this is intended for mixed use, he suggests we need to get the intentions up front so they can meet parking requirements.

**Adjournment:** Chris Baldinelli made the motion to adjourn the meeting at 8:13 p.m. Craig Lefebvre seconded. The motion passed with a vote of 4-0 in favor.

Date Approved: \_\_\_\_\_

Signed: \_\_\_\_\_

Keith Emery, Chairman