

Town of Buxton  
Planning Board Minutes  
October 23, 2023

Minutes prepared by Patti McKenna

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

Members present: Craig Lefebvre, Chris Baldinelli and Roger Tracy. Jere Ross was absent. Also attending on behalf of the town: Patti McKenna, Code Enforcement. Others in attendance: Cliff Thomas, Henry W. Huntley, Gail Field, David Field, Tom Peters, Frank Pulsoni, Chad Poitras, Mark Blier, Scott Warchol, Daryen Granata, David Cowen.

**Public Hearing - Wyatt Properties application for outside storage of cars at Narragansett Trail, Map 8 Lot 25-1.** Chris Baldinelli made the motion to open the public hearing at 7:00 p.m. Craig Lefebvre seconded. The motion passed unanimously.

Keith Emery explained that they had a site walk and viewed the site.

David Cowan spoke to explain the project. He is looking to park vehicles here. It will be done neatly, there will be no repairs and not parts. This does include campers. It will be quiet. There will be nothing before 7 a.m. or after 7 p.m. There will be no office.

Keith Emery stated that in order to keep from being a junkyard they can't store cars for more than 180 days. They will have to keep a log to prove the cars haven't been stored for more than that. Campers will have to be registered. We are reviewing this as outside storage.

Keith Emery asked if any abutters or public wanted to comment. Hearing no comment Craig Lefebvre made the motion to close the public hearing at 7:09 p.m. Roger Tracy seconded. The motion passed unanimously.

Keith Emery read the standard conditions of approval as follows:

1. All elements and features of the application and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings, are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. That the applicant be in compliance with all applicable provisions of Article 8.2.B, 10 and 11 if applicable.
3. All outstanding bills paid before building permit is issued.

4. He added that they would have to keep a log of when the vehicles arrive and hauled off. This log will be made available to the code enforcement officer upon request. No unregistered vehicles can be stored on the property for more than 180 days.

Chris Baldinelli made the motion that the applicant is in compliance with sections 8.2.B and 10. Craig Lefebvre seconded. The motion passed unanimously. h

Chris Baldinelli made the motion to approve the application with the conditions from previous meetings and tonight's meeting. Craig Lefebvre seconded. The motion passed unanimously.

Chris Baldinelli made the motion to accept the findings of facts as written. Craig Lefebvre seconded. The motion passed unanimously.

**Public Hearing – Town of Buxton application for Radio Communications Tower on Bunting Hill Road – Tax map 4 Lot 18.**

Chris Baldinelli made the motion to open the public hearing at 7:20 p.m. Roger Tracey seconded. The motion passed unanimously.

Mark Blier spoke representing the project.

Keith Emery stated that they are missing a survey of the lot in the application. There is nothing to prove the lot meets the requirements of the zone. Mark Blier responded that the town doesn't own the lot yet. Can the Board agree to a condition of approval that a survey be provided when the purchase goes through.

Keith Emery states that the town doesn't have authorization from the owners of the property to make this application. Mark Blier states that the town has a purchase and sales agreement pending approval of this application. CEO McKenna confirmed that a purchase and sales agreement gives the applicant the right to make this application.

Chris Baldinelli asked why the Planning Board was circumvented by going to the Board of Appeals before the Planning Board. Mark Blier stated the Planning Board was not circumvented. The zoning ordinance requires that in the Residential zone, a tower can only be permitted on a lot of 20 acres. The town didn't have the ability to buy 20 acres, so they applied for a variance to reduce the minimum lot size in that zone to 3 acres. That variance was granted and had to be done before the Planning Board could review this application. Chris Baldinelli stated that he disagrees with the appeals board decision. Chris added that we need more information on the boundaries.

Roger Tracy commented that his only concern is that there is a road maintenance agreement with the people who live on the road. Mark Blier stated that the Board of Selectmen have met with the people who live on the road. They have a verbal agreement

for road maintenance and can provide that in writing. Mark asks the Board to make that a condition of approval.

Keith Emery asks if any abutters or members of the public wish to speak at this time.

Scott Warchol asked what the road maintenance agreement is. Mark Blier explained that the town agreed to pave the road after the tower was constructed. The two abutters will take care of the snow removal for 25 years. The agreement will be revisited at that time.

Keith Emery disagrees with that. He disagrees that tax money is spent to pave a private road. Mark Blier stated that the public works director Kevin Kimball has done an existing conditions survey of the road. It is in rough shape. Mark Blier explained that if the town split the cost of plowing in thirds for at \$750 for 25 years and it equals to over \$15,000 to pave the road. All parties have verbally agreed to this. Mark explained that all parties agreed this is a good compromise. The people on the road, and all five Selectmen. Mark thinks that this can be a condition of approval.

There was much discussion back and forth regarding the maintenance agreement and survey not being provided. The Board searched the ordinance and could not find where a survey is required. It was pointed out that the applicant before this at tonight's meeting did not provide a survey and received approval.

Keith Emery stated that the Board needs to know the base material of the road before they agree to it being paved. How is the town going to reconstruct the road. Much discussion was had about road requirements. Section 10.1 was referred to, where it states the requirements for a road with two dwellings. This private road has two dwellings. Keith states they have to make sure they have the right base. Keith stated that somewhere in the book it says if they add traffic, they have to update the road. It was determined that Keith was referring to Article 13 Subdivision standards. Mark Blier stated that ordinance requires an upgrade to the road for the third dwelling, not third lot. The tower is not a dwelling. Mark Blier reminded the board that during this process another applicant applied to the Planning board to waive paving his private road for a family subdivision. Mark stated that he doesn't remember the Board asking how the base of that road was constructed.

Craig Lefebvre read from section 10.1 discussing road requirements based on the number of dwelling units.

After much discussion of those two topics Roger Tracy made the motion to close the public hearing at 8:22 p.m. Craig Lefebvre seconded. The motion passed unanimously.

Keith Emery read the standard conditions of approval as follows and added two conditions.

1. All elements and features of the application and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings, are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. That the applicant be in compliance with all applicable provisions of Article 8.2.B, 10 and 11 if applicable.
3. All outstanding bills paid before building permit is issued.
4. That a written road maintenance agreement is provided to the town prior to the building permit being issued.
5. That a survey of the lot boundaries is provided when they purchase the land.

Chris Baldinelli made the motion that based on previous discussions and tonight's meeting the applicant is in compliance with Article 8.2.B, 10 and 11. 25. Craig Lefebvre seconded. The motion passed with a vote of 3-1 with Keith Emery opposing.

Chris Baldinelli made the motion to approve the application with the conditions from previous meetings and tonight's meeting. Craig Lefebvre seconded. The motion passed with a vote of 3-1 with Keith Emery opposing.

**CEO Report:** CEO McKenna did not provide a report.

**Approval of Minutes:** Meeting minutes from October 10, 2023, were reviewed. Craig Lefebvre motioned to approve the minutes as written. Chris Baldinelli seconded. Motion passed unanimously.

**Approval of Bills:** Chris Baldinelli motioned to approve the bill from the Portland Press Herald in the amount of \$51.86. Craig Lefebvre seconded. Motion passed 4-0.

**Communications:** There were none.

**Other Business:** Chris Baldinelli made the motion to approve the findings and decision for **Joshua Paulsen** request to waive pavement of his private road Meadow Brook Lane pursuant to section 10.1.B of the ordinance as written. Craig Lefebvre seconded. The motion passed unanimously.

CEO McKenna asked if the Board had reviewed the draft ordinance changes enough to send them to the attorney? The Board agreed to send the private road standards, the aquifer reference amendment, to the attorney for review.

Scott Warchol asked about the section in the draft that states lots can have 50 feet of frontage on the access road, if we would be creating non-conforming lots if the people want the road to be a public road.

**Attendees may address the board:** Henry Huntly stated that he is not uncomfortable with the comments tonight or the outcome. He doesn't think its unreasonable to condition the town's application to provide the survey and road maintenance agreement.

**Adjournment:** Chris Baldinelli motioned to adjourn the meeting at 8:39 PM, the motion was seconded by Craig Lefebvre. Motion passed 4-0

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

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