

Town of Buxton
Planning Board Minutes
August 14, 2023

Minutes prepared by Heather Shaffer

Vice Chairman Baldinelli called the meeting to order at 7 pm noting attendance of:

Members present: Craig Lefebvre, Jere Ross, and Roger Tracy. Keith Emery was absent. Also attending on behalf of the town: Code Enforcement Officer, Patti McKenna, Code/Planning Executive Assistant, Heather Shaffer. Others in attendance: Cliff Thomas, Max Varga, Henry W. Huntley, and Richard J. Fitzgerald.

Craig Lefebvre motioned to begin Public Hearing of proposed revisions to the Buxton Solid Waste Ordinance. Jere Ross seconded. Motion carried 4-0.

Public Hearing - Proposed revisions to the Buxton Solid Waste Ordinance

Chris Baldinelli spoke on the need for revisions to the ordinance in response to the changes of service now provided by Casella and read the proposed new language for the ordinance. He mentioned that there is just one can allowed now, but Jere Ross clarified that the same amount of trash is allowed; it can now only be in the one can provided by Casella.

Chris Baldinelli asked if anyone from the public would like to speak.

Richard J. Fitzgerald addressed the board to ask, "what constitutes as a trash bag?" He gave the example that he will re-use emptied bags of dog food as trash bags and does not want any trouble from Casella in doing so. Chris Baldinelli stated that should be fine if the trash is not spilling out and the trash can lid is closed.

Cliff Thomas addressed the board to express frustration that he owns two properties in Buxton that are significantly taxed (a residence and a building with a foundation used for working) yet because only one is a residence he is not allowed a second trash can for the non-residential property. CEO McKenna asked if trash was collected from the non-residential property prior to Casella, it was not but stated that prior to the change to Casella, he had the option to put out trash at his son's neighboring property as more than can were allowed. He was not sure if he could use the one trash that he is allowed at his residence to be picked up at his son's house which would enable all of trash to be curbside. He was concerned that if his son's trash can was at the end of his property that Casella would only pick up one can. Jere Ross stated that he believed both cans would be collected and asked Roger Tracy to speak as to how multiple cans at the end

of private roads were handled. Roger Tracy confirmed that there are no issues with multiple cans being lined side by side at the end of his private road with Trash bins from several homes.

Jere Ross motioned to close the public hearing at 7:10pm, seconded by Craig Lefebvre. Motion carried 4-0

Appointment – Dana Packard- School Application- Saco River Karate/Yoga/Dance- 15 Salmon Falls Road, Map 12, Lot 39

The applicant was unable to attend this meeting. Chris Baldinelli observed that the application is incomplete; 8.2.B sections need more complete answers than were provided. The board needs to see more than “N/A” as answers. Also, the application only contains a portion of article 10 and the board will need all of article 10 answered. The board will table this until the application is complete.

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

Max Varga addressed the board stating that he has had a cultivation and curbside pickup cannabis business in the bottom unit for the past two years and that he has an established relationship with the State of Maine being compliant with yearly reviews. He considers the addition of a dispensary to not only be an expansion of his cultivation business; but an important part of his mission to provide care for those who rely on his services.

Jere Ross asked about ventilation issues in the past at the cultivation unit. The applicant indicated the ventilation system was replaced around April of this year. The applicant clarified that the 2 units are not connected (no stairs from inside) so the dispensary unit is entirely separate from the cultivation unit.

Chris Baldinelli expressed that his biggest concerns were 8.2.B.1 and 10.2 concerning the smells, vapors, etc. He wants to make sure any order issues were addressed. CEO McKenna confirmed that the issue of smells from the property had improved and when odor has been detectable there has been a reason for it and he has taken care of it immediately.

Craig Lefebvre wanted to make sure that the exterior lighting on the building did not shine to the road. The applicant confirmed the lights on the building fronts were downcast with two spotlights in the parking lot and no lights at the back of the building.

Jere Ross asked if he rented or owned these spaces. The applicant confirmed he rents the locations. Jere Ross asked to see the map showing parking and observed 4 spots on

the upper lot and 3 parking spots on the (lower) front lot. Jere Ross asked if the applicant would expect to need any more spaces for parking. The applicant believes this to be sufficient parking for his business and that there is additionally plenty of parking in the Aubuchon hardware lot. Aubuchon at times has used the applicant's spaces when large soil deliveries are stored outside, and he has no parking issues even then.

Jere Ross motioned for a Site walk to be scheduled for Monday, August 21, 2023, at 6:00pm for this location. The motion was seconded by Chris Baldinelli – motion carried 4 -0.

CEO Report: CEO McKenna informed the Board that she has been very busy with old and new complaints. She has also been compiling information from other towns to compare private roads standards. So far, she has noticed towns requiring 16, 18 and even 20-foot-wide roads with shoulders. Roger Tracy noted that there would be different tiers of private roads and CEO McKenna stated that her research of other towns notes that most have some cap as the number of houses. Chris Baldinelli asked if she meant private roads or subdivisions. CEO McKenna explained that currently, with family lot splits (every 5 years) the third house must build a 24-foot-wide paved road. So far, she has found seven roads that haven't done that in the recent past, one road is in court right now and the rules should apply to all, or we should create lesser private road standards. Jere Ross asked if that is specifically in the Ordinances. Patti clarified "all roads for three or more houses must be built to public road standards". Because it has not been enforced, standards should be developed. Chris Baldinelli stated the biggest worry is for emergency vehicles to be able to safely access the roads. Roger Tracy mentioned that the number of homes dictates the road standards, and that third person is stuck to build the road. Jere Ross noted that it is buyer beware on the private roads to understand those requirements. CEO McKenna is working with Chief Schools to prepare a new private road standard that would be acceptable.

Approval of Minutes: Meeting minutes from July 24, 2023, were reviewed. Chris Baldinelli motioned to approve the minutes as written. Craig Lefebvre seconded; motion passed 4-0.

Approval of Bills: Chris Baldinelli questioned the Southern Maine Planning & Development Commission Bill for \$3,408.00 annual dues. CEO McKenna confirmed that this bill has been paid from funds in the miscellaneous account in prior years and that the planning board did not budget for this annual fee. It was agreed this bill had been incorrectly submitted to the Planning Board for approval and should be directed to the Selectmen.

Other Business: Discussion of private roads: already covered in the CEO report.

Review and vote on Notice of Decision for Mowry Brothers Pool: The board, having reviewed the prepared Notice of Decision for Mowry Brothers Pools, found the document satisfactory. Jere Ross motioned to approve the Notice of Decision as written. Craig Lefebvre seconded. Motion passed 4-0

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

Adjournment: Jere Ross motioned to adjourn the meeting at 7:34pm, the motion was seconded by Craig Lefebvre. Motion passed 4-0 and the meeting was adjourned at 7:34pm.

Date Approved: _____

Signed: _____