

Town of Buxton
Appeals Board Minutes
October 16, 2025

Meeting Minutes: Roxanne Gardner

Members present: Jon Bartlett, Gemma Baldinelli, Chad Havu, Henry Huntley. Also attending on behalf of the town: Patti McKenna, Code Enforcement officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: Lisa Paine, Joshua Paine, Dan Paine, Nancy Pierce. Others attended but did not sign in.

Absent from meeting: Michael Pettis

Appointments:

Public Hearing - Daniel Paine- Application for a variance to reduce lot size - 209 Skip Rd. - Map 3 Lot 20.

Chad Havu made a motion to open the public hearing for - Daniel Paine- Application for a variance to reduce lot size - 209 Skip Rd. - Map 3 Lot 20 at 7:03pm. Gemma Baldinelli seconded the motion. Motion passed 4-0 in favor.

Joshua Paine spoke on behalf of the application he stated that his father's house caught fire a few months ago. It was a tragedy; he came to realize that he would like to be closer to his father. Joshua stated that his father thought for years he had enough land to be split into two lots. For thirty plus years his father paid taxes on 9.60 acres but after a good faith survey we were told that my father's property is 9.06 acres which is 394,519 square feet. Joshua stated that his father would like to give him 200,000 square feet of his property leaving his father's piece of property being 194,519 square feet. Joshua stated that years ago he had cleared a parcel/road in on the property where he wanted to build a house when he had the funding to do it. Joshua stated that he had reached out to the Code Enforcement Officer, and she stated that the property was 9.60 acres 426,519 square feet that is plenty but when he had it surveyed, it came back as 9.06 acres, because the gentleman who worked for DOT and originally surveyed the area surveyed at a three rod. The Town surveyed at a four rod which is 66ft. At the Three rod it gives us an extra 7,000 square ft.

Chad asked if the property fell on anything that would make it resource protected like wetland. Joshua stated no.

Gemma asked the applicant when he had the property surveyed. Joshua stated that he had the property surveyed about a month ago and my father has an original survey with the deed. The surveyor went off my father's original deed and stated that the guy who did the originally surveyed the property was a DOT surveyor and there was not a huge amount of records. Joshua stated that the house was built in 1890, the original house.

Chad asked if there were any abutting neighbors or residents that would like to speak.

Ruth Snyder abutter to the applicant asked where Dow Rd was located because she had only known the road to be called Skip Rd. Patti stated that she was not sure what they were referring to by calling the road Dow Rd. Ruth Snyder asked the applicant if he owned all the property in the back to the Beagle fence. The applicant answered yes. Ruth asked the applicant if his property was going to butt her property or was his son's piece going to. Joshua stated that his father's property would.

Chad Havu made a motion to close the public hearing at 7:20pm. Henry seconded the motion. Motion passed 4-0 in favor.

The following six questions were used in determining practical difficulty to review this application and were answered by the applicant and voted on by the Appeals Board as follows:

Question 1:

The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Applicant's Answer: The need for the variance is due to finding out I was short over half an acre after the most recent survey. The part I would like to keep is where the existing house sits and does not currently meet zoning standards as it never has due to the odd shape of the lot. With this section I would like it to be 194,519 square feet with is just 5,481 SF under the minimum requirements. The land is an L shape parcel, the part that I would like to give 200,000 SF abuts the beagle club (Map 1 lot 138) which is unique due to that area having over 139 acres of tree growth. There is also wet land running down the line between my property and the Beagle Club. The beagle club is currently receiving a tax break for tree growth as well as other surrounding properties on the skip rd. The skip road is unique in the fact that there is a wide variance in property sizes for a rural road ranging from small half acre lots to large 136 acre lots. On one side of my property there are three trailers all within a very small lot (map 3 lot 18). On the other side is a wooded lot with a pond. Across the road from my property is a wooded area with 3 parcels. One parcel has a small collapsed abandoned house which has been that way since I first moved to Buxton 30 plus years ago. There is also a subdivision located on the other side of me across the road which all parcels are small.

Question 2:

The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.

Applicants' Answer: This will not affect the appearance of the existing house lot or road as my son and daughter-in-law will have a private driveway 400 ft long so the house cannot be viewed by the street. The only land being cleared is for the

home and road so there will be plenty of tree growth. If this variance is approved, it will not change the landscape of street nor will they be encroaching upon anyone else's surrounding residences which would still look and feel rural. The granting of the variance will not affect the market value of abutting properties due to these abutting properties being primarily wooded rural lots. There is currently a housing shortage in the state of Maine. With there only being 18 homes/land listed in Buxton Maine. The market value of surrounding homes in the town of Buxton should increase as it has in the last five years. If this variance is granted it will decrease the value of abutting properties.

Question 3:

The practical difficulty is not the result of action taken by the petitioner or a prior owner.

Applicant's Answer: The hardship is not the result of an action taken by the applicant or a prior owner. When the previous owner had the land surveyed thirty plus years ago, they did an extremely poor job and miscalculated the right of way as a three rod by the right of way is a four rod per town of Buxton. If this were a three-rod it would add 7,000 SF to the existing property as it said in the original survey. If that 7,000 SF were not in question, we would not be requesting this variance. Thank you for your attention to this matter.

Question 4:

No other feasible alternative to a Variance is available to the petitioner.

Applicant's Answer: I am not looking to profit from this land. The plan is to give 200,00 SF as a gift to my son and daughter-in-law so they can build a home on it. I am looking to keep 194,519 SF as my own. For thirty plus years I have owned a house on this land and have no intention of selling this property. I have paid taxes on 9.6 acres for that amount of time only to find out that I only have 9.06 acres. This was due to an incorrect surveyor and town right of ways. I have attached an e-mail conversation from the new land surveyor with his input on this prior incorrect survey. I have no other alternative on this land for my son and daughter-in-law to have a home.

Question 5:

The granting of a Variance will not unreasonably adversely affect the natural environment.

Applicant's Answer: The granting of a variance will not unreasonably adversely affect the natural environment. There will be absolutely no effect as the lot is primary wooded and well in front of any wetland. At least 30% of this property is unbuildable due to the nature of the surrounding land. No large trees were removed when clearing the proposed property. All the trees that were removed were chip wood and storm damaged.

Question 6:

The property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A. §435.

Applicant's Answer: The property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A. §435.

The Board reviewed and voted on those sections as follows:

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.
Chad made a motion Daniel Paine meets the criteria due to the unique circumstances of the property. Henry seconded the motion. The motion passed 4-0 in favor.
2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties.
Chad made a motion Daniel Paine meets the criteria that granting a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties. Henry seconded the motion. The motion passed 4-0 in favor.
3. The practical difficulty is not the result of action taken by the petitioner or a prior owner.
Chad made a motion Daniel Paine meets the criteria that the practical difficulty is not the result of action taken by the petitioner or a prior owner. Gemma seconded the motion. The motion passed 4-0 in favor.
4. No other feasible alternative to a Variance is available to the petitioner.
Chad made a motion Daniel Paine meets the criteria that no other feasible alternative to a Variance is available to the petitioner. John seconded the motion. The motion passed 4-0 in favor.
5. The granting of a Variance will not unreasonably adversely affect the natural environment.
Chad made a motion Daniel Paine meets the criteria that granting of a Variance will not unreasonably adversely affect the natural environment. Henry seconded the motion. The motion passed 4-0 in favor.
6. The property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A. §435.

Chad made a motion Daniel Paine meets the criteria the property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A. §435. Henry seconded the motion with a comment that there are wetlands, but they are not shoreland. The motion passed 4-0 in favor.

DECISION

Chad made a motion to approve the applicants request for a dimensional variance to reduce the lot size to 194,519 square ft at 209 Skip Road. Gemma seconded the motion. The motion passed 4-0 in favor.

Minutes:

Gemma Baldinelli made a motion to approve the June 24,2025 meeting minutes as written. John Bartlett seconded the motion. Motion passed with a vote of 4-0 in favor.

Bills:

Portland Press Herald Legal Ad invoice fee \$40.74 for public hearing 10/16/2025. John Bartlett made a motion to pay Portland Press Herald invoice \$40.74 for legal ad. Gemma Baldinelli seconded the motion. The motion passed 4-0 in favor.

Communications:

Maine Town and City magazine for July/ August2025 issues.

Other Business:

None currently.

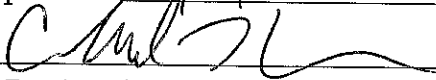
Attendees may address the Board:

None requested to speak to the Board.

Adjourn

Henry Huntley made the motion to adjourn at 7:30PM. Chad Havu seconded the motion. The motion passed with a vote of 4-0 in favor.

Date Approved: 11/6/2025

Signed: 

Michael Pettis, Chairman

CHAD HAVU, VICE CHAIRMAN

Next meeting -Thursday, November 6,2025 at 7p.m.