

Town of Buxton
Appeals Board Minutes
June 24, 2025

Members present: Michael Pettis, Jon Bartlett, Gemma Baldinelli, Chad Havu, and Henry Huntley. Also attending on behalf of the town: Patti McKenna, Code Enforcement officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: David Kessler

CEO Report:

Patti McKenna, Code Enforcement officer, stated that the board received information from the applicant and herself. Some of the information is not under the purview of this board with the ordinance section 6.2.A.1. The things that are not appealable to this board of things that Patti does. A notice of violation, enforcement order, suspension, revocation of permit approvals, written determinations of no violation, or any other enforcement decision of the Code Enforcement Officer are advisory only and may not be appealed to the board. Patti stated that the board needed to focus on section 4.2.D.4 which gives this board the authority to allow this applicant to have a second dwelling unit in the business/commercial zone. There are four criteria that the board uses to make that determination. It is the applicant's meeting if he wants to go over all the information the board received, that is up to him but if the board focuses on these four criteria the board can arrive at a decision.

Appointments:

Public Hearing for - Peter Daniels - Application for Additional Single-Family Dwelling in the Business/Commercial district under section 4.2.D.4 of the Zoning Ordinance - 249 Main St - Map 10 Lot 2C.

Peter Daniels stated that he has two units on 249 Main St, one in the form of a mobile home and the other was a 20x24 woodwork shop that he turned into a home. Peter stated he is looking to get a certificate of occupancy for both buildings on his property, the 20x24 structure and the trailer. Peter stated he did all the work on the 20x24 structure and plans to fix the trailer up. Peter went over section 4.2.D.4 and stated that he felt he met all the requirements.

The following sections 4.2.D.4 of the ordinance were used in reviewing this application as follows:

- (i) A non-conforming residential dwelling unit exists on the lot, and the residential non-conforming circumstances of the lot were not the result of any action taken by the applicant or a prior owner; **Peter stated that both structures have been on property for many years.**

- (ii) The proposed additional dwelling unit is located outside of the Shoreland Zone; **Peter stated that the structures are outside the Shoreland Zone.**
- (iii) The expanded residential use is located and designed to be compatible with and not be adversely affected by any existing non-residential uses located on abutting properties; **Peter stated that the structures have been there for awhile and are not affecting abutting properties.**
- (iv) The proposed additional dwelling unit complies with all other requirements of the district. **Peter stated that he does not know all the requirements of the district but does not see any problems.**

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

Hearing none Gemma Baldinelli made a motion to close the public hearing at 7:10pm. Henry seconded the motion. Motion passed 5-0 in favor.

The Board reviewed and voted on those sections as follows:

- (i) There has been continuous residential use of this property. The Board voted 5-0 in favor that the applicant met this requirement for that reason.
- (ii) The property does not fall within the Shoreland zone. The Board voted 5-0 in favor that the applicant met this requirement.
- (iii) The properties abutting this lot are all occupied by residential properties. For this reason, the Board voted the applicant met this requirement.
- (iv) The structures are already in place on the property. The existing residence has been permitted and in the process of acquiring occupancy permit. For that reason, the Board voted the applicant met this requirement.

Decision:

The Board voted 5-0 in favor to allow the applicant to have a second dwelling on this property in the Business Commercial District. One Residence with an Accessory Dwelling.

An appeal from any order, relief or denial of the Board of Appeals may be taken by any aggrieved party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. A request for reconsideration of this decision must be made within 10 days of the decision.

Minutes:

Chad Havu made a motion to approve the May 1, 2025, meeting minutes as written. Gemma Baldinelli seconded the motion. Motion passed with a vote of 4-0-1 in favor of Henry Huntley being absent from the meeting.

Approval of Bills:

Chad Havu made a motion to pay the Portland Press Herald bills for \$46.30. Jon Bartlett seconded the motion. Motion passed 5-0 in favor.

Communications:

Michael Pettis stated that the appeals board will be taking the month of July off. Next appeals board meeting will be August 7, 2025 at 7:00pm.

Other Business:

None currently.

Attendees may address the Board:

None requested to speak to the Board.

Adjournment:

Chad Havu made the motion to adjourn at 7:22 PM. Gemma Baldinelli seconded the motion. The motion passed with a vote of 5-0 in favor.

Date Approved:  ^{CHH} 10/16/25

Signed: 

~~Michael Pettis, Chairman~~ ^{CHH}

CHAD HAVU, VICE CHAIRMAN