

**Town of Buxton
Appeals Board Minutes
Sept 17,2026**

Minutes by: Roxanne Gardner

Members present: Chairman Michael Pettis, Chad Havu, Henry Huntley, Gemma Baldinelli, Mark Blier. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer. Other attendees: Dana Packard, Brenton Hill.

Chairman Michael Pettis called the meeting to order at 7:00 pm.

Minutes:

Mark Blier made a motion to approve the August 6,2026 meeting minutes as written. Chad Havu seconded the motion. The motion passed 5-0 in favor.

Approval of Bills: Portland Press invoice for public hearing \$40.74.

Gemma Baldinelli made a motion to pay Portland Press invoice in the amount of \$40.74. Mark Blier seconded the motion. The motion passed with a vote of 5-0 in favor.

Communications: None currently.

Mark Blier made a motion to open the public hearing for Dana Packard – application for a variance to reduce lot size – Haines Meadow Road map 4 lot 49. Gemma baldinelli seconded the motion. The motion passed with a vote of 5-0 in favor.

Appointments:

- **Dana Packard- Application for a variance to reduce lot size – Haines Meadow Road – Map 4 Lot 49.**

Dana Packard was present on behalf of his application. Dana Packard stated that he lives at 103 Mark P Emery Road in Buxton, and he is hoping to get a variance to be able to create a smaller parcel of land. Dana stated that in the Rural zone you need 4.6 acers. Dana stated that there is a solar project slated to exist on the property and CMP substation will occupy a small kind of postage stamp size of the property. CMP requires that they own the piece of property the substation will be on. Dana stated that he is not selling the piece of property to CMP because CMP requires the solar company to sell it to them. Dana stated that his concern is that he would rather not lose 4.2 acres of wet land for CMP unnecessarily own, he would rather enjoy it and at some further time sell the piece of property to an abutter. Mark Blier asked the

applicant what the total size of the property was. The applicant stated that the total parcel is being leased to the Solar Company, and he believes it is 82 acres. The applicant stated that he is trying to create a little mini parcel within the bigger parcel.

Mark Blier stated that the applicant has 82 acres and the Solar company is leasing the 82 acres plus the applicant is looking to subdivide 4.6 acres so is the total 86.6 acres.

The applicant stated that where the substation is intended to go is on the edge of the currently leased area. The applicant stated that he is not looking to enlarge the least area, but he is obligated to sell a parcel of land on which the substation will go.

Mark Blier stated that the applicant is selling a piece of land within the leased property.

Henry Huntley asked if the substation was going to be next to the high-tension wires that they wanted to feed into. The applicant answered yes.

Henry Huntley asked Patti McKenna can you create a lot that is less than the 4.6 acres. Patti McKenna stated that this board can grant a variance from lot size. Henry Huntley stated that it would not be a grandfather lot in the sense that someone could ever build on it. Patti McKenna stated that if the applicant meets the criteria, we are not creating a non-conforming lot because we are giving the applicant a variance. Patti stated that it would be a legal lot.

Henry Huntley asked if the substation would still need to meet setbacks. Patti McKenna stated yes.

The applicant stated that CMP would own the piece of land for ever and he would never be able to do anything else with the piece of land.

Michael Pettis asked if any abutters would like to comment.

Brenton Hill stated he is an abutter and lives at 190 Haines Meadow Rd. Brenton Hill stated that he is here tonight to support Dana in his application. Brenton Hill stated that he has been retired from CMP for nine years and doesn't know their current business, but the substation is a steel structure to be able to bring the lines in and then there are going to be three breakers that is really all the Substation is.

Gemma Baldinelli made a motion to close the public hearing for Dana Packard - application for a variance to reduce lot size - Haines Meadow Road map 4 lot 49 at

7:33pm. Chad Havu seconded the motion. The motion passed with a vote of 5-0 in favor.

Question A:

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 creation of this small parcel is due to the unique requirement of Central Maine Power (Emery Meadow Solar Station). CMP requires ownership of the land on which its substation will reside. There is no need for CMP to own the additional four plus acres of the Rural zone minimum lot size. I would like to preserve ownership of the additional acreage, most of which is wetland (a portion of Haines Meadow Brook) for my own use and potential eventual sale to an abutter.

Mark Blier made a motion the applicant meets criteria A. Chad Havu seconded the motion. The motion passed with a vote of 5-0 in favor.

Question B: 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.

Applicant's Answer: The granting of this variance will limit the size of the parcel CMP requires ownership of for its substation. The wetlands comprising much of the remaining four plus acres will remain undisturbed.

Chad Havu made a motion the applicant meets criteria B. Gemma Baldinelli seconded the motion. The motion passed with the vote of 5-0 in favor.

Question C:

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

Applicant's Answer: The practical difficulty is not the result of actions taken by the petitioner or prior owner.

Michael Pettis made a motion that the applicant meets criteria C. Mark Bleir seconded the motion. The motion passed with a vote of 5-0 in favor.

Question D:

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

Applicants' Answer: No other feasible alternative is available to constrain the size of the parcel CMP will own for its substation.

Michael Pettis stated that he feels the applicant does not meet question D because the applicant has a feasibility alternative.

Conclusion: The Board discussed two options available to the applicant. One is to sell the lot to CMP as an abutter, and they can incorporate this smaller parcel into their lot. This would not need a variance. Mr. Packard stated that CMP does not want to deal with him directly as the property owner. It was suggested that Mr. Packard could sell the solar company the 4.6 acres required in this zone and they could in turn sell the small lot to CMP as an abutter to be incorporated into their larger lot and re-sell the remaining land back to Mr. Packard as an abutter. Neither of these options available to the applicant would require a variance. For this reason, the Board felt there is a feasible alternative to needing a variance.

Michael Pettis made a motion the applicant does not meet the criteria D. Chad Havu seconded the motion. The motion passed with a vote of 5-0 in favor.

Question E:

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

Applicant's Answer: The granting of this variance will not unreasonably adversely affect the natural environment. It may serve to protect it.

Michael Pettis made a motion that the applicant meets criteria E. Chad Havu seconded the motion. The motion passed with a vote of 5-0 in favor.

Question F:

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.

Michael Pettis made a motion that the applicant meets criteria F. The property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A. §435. Chad Havu seconded the motion. The motion passed with a vote of 5-0 in favor.

Michael Pettis made a motion that the request for a variance on Tax Map 4 Lot 49 is denied on the grounds it does not meet all of the above listed criteria. Gemma Baldinelli seconded the motion. The motion passed with a vote of 5-0 in favor.

Other Business: None currently.

Attendees may address the Board on the evening's business: None requested to speak.

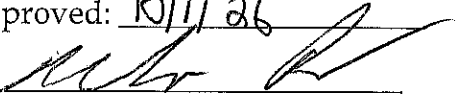
Adjourn:

Mark Blier made a motion to adjourn at 7:55 pm. Chad Havu seconded the motion. The motion passed 5-0 in favor.

Next Meeting

October 1, 2026

Date approved: 10/1/26

Signed: 

Michael Pettis, Chairman