

**Town of Buxton
Appeals Board Minutes
December 4,2025**

Minutes by: Roxanne Gardner

Members present: Chairman Michael Pettis, Chad Havu, Henry Huntley, Jon Bartlett, Gemma Baldinelli. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: Robert Brooks.

Chairman Michael Pettis called the meeting to order at 7:02pm.

Minutes:

Chad made a motion to approve the November 6,2025 meeting minutes as written. Gemma seconded the motion. The motion passed 4-1 in favor. Jon Bartlett was absent from the meeting.

Approval of Bills:

Portland Press Herald Legal Ad invoice fee \$40.74 for public hearing 12/4/2025.

Chad made a motion to pay for legal ad. Jon seconded the motion. The motion passed 5-0 in favor.

Communications:

None currently.

Appointments:

Public Hearing For - Robert L. Brooks - Application for Reconstruction/Replacement of Structure in the Shoreland Zone – 77 Lowell Rd. – Map 1A Lot 19.

Gemma made a motion to open the public hearing for 7:07pm. Chad seconded the Motion. The motion passed 5-0 in favor.

Robert Brooks spoke on behalf of the application. Robert stated that he lives in Braintree, Massachusetts and has been coming up to Bonny Eagle Pond for the last 30 years. Robert stated that he bought the property in 2023 and last February a water pipe burst at the property leaving extensive damage to the downstairs area. Robert stated that the whole downstairs had been gutted out due to the damage of the pipe breaking. Robert stated that he would like to replace the building because of the damage. Robert stated that on the property there is a workshop, carport, and the main building, that he would be taking down to be able to construct a new year-round home on the property. Robert stated that the new home would be in the same location as the existing home with modifications. Robert stated that he investigated putting in a full basement but feels it will be just a crawl space due to hitting water. Robert stated that the existing septic tank is on the left side of the driveway and the leach field is on property he owns across the road. Robert stated that he would like to replace the existing septic tank. Robert stated he would like to move the existing septic tank to the middle of the driveway. Robert stated that he did not plan on disturbing any of the vegetation on the property except there is a maple tree on the corner of the driveway side of the property he is considering taking down to give more room for parking.

Michael asked the applicant where the well was located on the property. The applicant stated that the well was located on the lefthand side of the property close to the driveway side of the property.

Michael asked the applicant what the green squares were coming off the house on the house plan. The applicant stated that the green squares represent the door entrance for the bulkhead and the door entrance into the house.

Michael asked the applicant if he still planned to put in a cement slab off the house on the waterside of the property. The applicant stated that potentially he was planning to put in a cement slab coming off the deck of the house on the waterside of the property. Michael stated that there is 37ft from the deck to the water and adding a slab off the deck will cut the 37ft to either 36 or 35ft from the water. The applicant stated he would rather forego a slab and put in a nice lawn coming off the deck.

Chad stated that in the application there is talk about removing a wooden retaining wall and doing grading in the backyard on the waterside. The applicant stated that there are old wooden railroad ties that are all stacked up with a little fence around it that is going to fall in the next couple of years. The applicant stated that he would like to replace the wooden railroad ties with keystone blocks or cement blocks.

Patti informed the applicant and Board that a permit is required for replacing a retaining wall from the code office and DEP. The wall cannot be increased in size in any way, but a person has the right to repair, maintain and replace a retaining wall.

Michael noted there were no abutters present to make comment.

Chad stated that the board received an email from Mark MacLeod an abutter who lives at 79 Lowell Rd.

Marks MacLeod letter stated:

My name is Mark MacLeod, and our family owns the property at 79 Lowell Rd, adjacent to the subject property at 77 Lowell Rd owned by Robert Brooks.

We have reviewed Bob's proposal to build a new house, and our family fully supports the concept of replacing what is there now. Since Bob bought the property last year, he has been a good neighbor, and we are comfortable that we will work out any boundary issues such as a new fence along our common property line. The style and dimensions of proposed structure does not cause us any major concern.

Mark MacLeod

Gemma made a motion to close the public hearing at 7:33pm. Chad seconded the motion. The motion passed 5-0 in favor.

The following six questions were used in determining the greatest practical extent to review this application and were answered by the applicant.

1. Size of the lot:
Applicant's answer: The existing record is 0.14.
2. Slope of the land:
Applicant's answer: From house to water the slope of the land goes from 274ft to 272ft to 268ft then 266ft (shown on attached plot plan).
3. The potential for soil erosion:
Applicant's answer: None foreseeable.
4. The location of other structures on the property and on adjacent properties:
Applicant's answer: We have a small red storage shed across the street from main lot.
5. The location of the septic system and other on-site soils suitable for septic system:
Applicant's answer: Currently on the right side of driveway. Septic needs to be moved.
6. The type and amount of vegetation to be removed to accomplish this relocation:
Applicant's answer: We vision taking down the tree on the street side of property. It looks like four trees coming from one.

The Board shall consider, in addition to the criteria above, the physical condition and type of foundation present. No flaws with the foundation.

Chad made a motion to establish a setback at 37ft from the water table for Robert L. Brooks - Application for Reconstruction/Replacement of Structure in the shoreland zone – 77 Lowell Rd. – Map 1A Lot 19. Gemma seconded the motion. The motion passed 4-1 in favor. Michael Pettis voted against it as he prefers to see a 40-foot setback.

Patti explained that staff would have a written decision prepared within 7 days which the applicant is required to record at the registry of deeds.

Other Business:

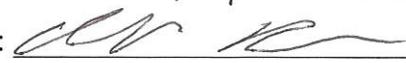
The Board discussed holding a training workshop on January 15, 2025 at 7pm.

Attendees may address the Board on the evening's business:

Adjourn:

Mike made a motion to adjourn at 7:52pm. Gemma seconded the motion. The motion passed 5-0 in favor.

Date Approved: 2/5/26

Signed: 

Michael Pettis, Chairman