

**Town of Buxton**  
**Planning Board Minutes**  
**May 12, 2025**

Minutes prepared by Roxanne Gardner

**Members present:** Jere Ross, Craig Lefebvre, Scott Warchol, Roger Tracy. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: Tonja Lefebvre, Cliff Thomas, Henry w. Huntley, Todd Libby, Henry Hess (Sebago Technics), Roz Anton, Jim Logan, Patrick Dufresne, Andy Dufresne, Bobbi Poresky.

Heath Knight was absent from the meeting.

**Chairman Jere Ross called the meeting to order at 7 pm**

Craig Lefebvre made a motion to open the public hearing at 7:22pm for the - Application for Henry Hess RLA- OBO RAAP Industries LLC -Subdivision Amendment Application- for a 3 lot Subdivision- Commerce Drive- Map 9 Lot 27-1-2. Scott Warchol second the motion. The motions passed with a vote of 3-0-1 in favor with Roger Tracy abstaining.

Henry Hess RLA Sebago Technics representing RAAP LLC stated that the application for the amendment to Commerce Dr subdivision. This is for 3 lots that will be on Innovation Way. Innovation Way will be off Commerce Dr. He stated that the questions raised by Code Enforcement have been addressed and updated on the plans. There were comments around tests pits, we managed to make sure all the test pits were on the plan and labeled that corresponded with the soil survey that was completed by Long View Partners. Henry stated that the Road Name Request Form had been made out and turned into Code Enforcement. Also, during the site walk there were comments regarding the drainage at the end of the road in terms of how it could cause a bit of an issue for access to that last final lot. We did put consideration into that, and the board will see in the revised plan that was submitted we did make the decision to relocate the drainage to the south side of the hammerhead to allow better access to the remaining lot. Henry stated that there was a comment regarding note nine on the subdivision plan as a backup for where the test pits were already on the plans. We did provide a reserve area for septic and received feedback from Code Enforcement regarding the language in terms of how we would word the note nine on the plans. Henry stated that he did revise the wording on note nine of the plans.

Scott stated that regarding note nine, can you tell me what it is stating. Henry stated that the intent of the note is that the test pits that are located on site should not be feasible or too wet in some cases as some of the lots do have more than one test pit on the plans. There is an additional reserve area for either expansion of septic or leach field so what note 9 says should you develop a septic in an originally located test pit area that you may vacate the non-buildable thousand square ft area as there is already a septic designed in a proper location on the updated plans. Scott stated that he thought our standard was if it is below twenty-four inches in each lot that there needs to be a reserve section.

Patti stated that for eventual expansion or replacement of the disposal area. Jim Logan with Long View Partner stated that he is a soil scientist and the site evaluator that provided the information. There may be confusion about test pits that are wetter than others. As a soil scientist who needed to prepare a high intensity soil survey, we needed to have test pits in wet locations as well as dry ones. Hence, every lot is going to be wetter versus drier. We have two suitable sites for each lot. Jim Logan stated that he wanted to clarify that The Maine State Plumbing Code would allow minor expansion of a certain amount on an existing system should there be added use to any of these lots later, and under replacement system standards, we can replace the original system in the exact same location as the original.

Scott asked if the utilities were going to be underground. Henry stated that the road itself will have overhead utility on it, but the individual lots will be served underground. Scott asked if the applicant was going to plant any trees. Henry stated that at this time there is no proposed landscape other than stabilization, erosion control, and seeding mixes on the slopes. Scott stated that the board just had another subdivision that went in on a field and we required the planting of trees.

Craig stated he was okay with the way note nine is written on the plan other than he will urge the applicant to make sure they leave enough room if someone buys a lot, and they do a building five years down the road and want to expand. Right now, they do not have enough room to expand the septic, so I would urge you to make sure that there is enough room within the footprint to expand the septic. Jim Logan stated that if the board would like he would suggest a condition of approval that we provide a plan back to the board with two spots shown on every lot. We will get that done before the signing of the final plan.

Jere stated that to read that back to conditional approval there will be two depicted septic plans on each lot. Henry stated that he would like to clarify not septic plans, but passing test pits shown.

Craig asked if there was a performance bond on the road. Henry stated that the applicants were in the process of getting the letter of credit from Partners bank who also funded the construction of the first road on the property.

Jere asked if there were any questions from the Town staff. Patti stated that she would like to point out that the Ordinance does require the planting of trees when there is a street traverses open fields. It is in section 13.5.L.1.B. It is when the proposed subdivision street traverses open fields the plan must include the planting of street trees which we have required other applicants to do. Jere asked are we calling the property an open field. Jere asked if Patti was satisfied with the revisions that the applicant has provided on note nine on the applicant's plan. Patti stated no, it does not meet the intent of the ordinance. Jere asked Patti what she would like to see written on note nine her wording or theirs. Patti stated that it is not my wording it is the ordinance. Henry stated that they would remove note nine from the subdivision plan and provide two reserve septic areas.

Jere asked if any abutters would like to speak. None requested to speak to the Board. Jere asked if anyone from the general public had any comments or questions.

Hearing no further comments Craig made a motion to close the public hearing at 7:15pm. Scott seconded the motion. Motion passed with a vote of 3-0-1 with Roger Tracy abstaining.

Jere made a motion regarding 13.3.B2.I a medium intensity soil survey, the applicant has provided to the board a class A high intensity survey which would satisfy that condition of the ordinance. Craig seconded the motion. Motion passed with a vote of 3-0-1 with Roger Tracy abstaining.

Craig made a motion based on the previous discussions. We found the applicant to be in compliance with all applicable provisions of Article 13. Scott seconded the motion. The motion passed with a vote of 3-0-1 in favor with Roger Tracy abstaining.

**Conditions of Approval:**

1. All elements and features of the application and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. That the applicant be in compliance with all applicable provisions of Section 13.
3. Notify the Fire Chief within 72 hours before the fire tank is installed.
4. All outstanding bills paid before building permit is issued.
5. Any others,
6. The applicant removed note nine from the subdivision plans.
7. The individual lots be serviced with underground utilities.
8. The applicant provides two reserve areas for each lot for septic subsurface wastewater disposal.
9. The applicant provides before construction commences a performance bond covering the improvements to the property as approved by the Municipal Officers.
10. Road Name Request form be submitted.

Craig made a motion to approve the application with the above-listed conditions. Scott seconded the motion. Motion passed with a vote of 3-0-1 with Roger Tracy abstaining.

**Application for Conditional Use- Todd Libby – Libby’s School of Taekwondo – 400 Narragansett Trail-Map 10 Lot 1+2.**

Todd Libby was present to explain his application. He is asking to provide taekwondo classes during the hours of Monday through Saturday from 10 a.m. – 8 p.m. Todd stated that he had received the email from Code Enforcement office concerning the fire department wanting the building to be sprinkled. He immediately sent the email to the landlord. Todd stated that the landlord hand someone come by today to look at putting the sprinkler system in place.

Jere stated that the board had held a site walk on May 5, 2025 at 5:30pm for 400 Narragansett Trail Map 10 Lot 1+2.

Craig stated he had a concern with having children in and out constantly going up and down the ramp because there is a concrete wall just before you start up the ramp on the left. The reveal on the wall is about 12 to 24 inches and I am wondering if some kind of railing should be installed on the top. Jere stated that there was also a concrete barrier with a gap in between where it dropped off. Patti stated that the building code does not require guards on retaining walls.

Jere asked if Todd could egress the stairs to the outside. Todd answered that he was not sure. Jere asked for clarification on if the stairwell led to the outside plus if the total building needed to be sprinkled or just the unit Todd was renting.

Craig stated that in the Code Officers letter it states that the bottom unit has electrical deficiencies. Todd stated that yes, that is the unit downstairs the tenant had contacted an electrician and had the deficiencies fixed.

Jere stated that the board could schedule a public hearing and make it a conditional approval that the building is sprinkled and passed by the Fire Chief, but that might take three or four months from now to have the sprinkler system installed plus inspected. Todd stated he was good with that and understood.

Craig made a motion to hold a public hearing for the application for conditional use- Todd Libby- Libby's School of Taekwondo – 400 Narragansett Trail-Map 10 Lot 1+2 on May 27, 2025 at 7:00pm. Roger seconded the motion. The motion passed with a vote of 4-0 in favor.

#### **CEO Report:**

Patti stated that she had sent a letter out at the end of last week and did not want to mention names or addresses, but it is something that has been before the board and they are exceeding the conditional use approval. Jere asked if Patti had received any response back. Patti stated not at this time.

#### **Minutes:**

Scott made a motion to approve April 28, 2025 minutes as written. Craig seconded the motion. The motion passed with a vote of 4-0 in favor.

#### **Bills:**

Scott made a motion to pay Portland Press Herald \$46.30 for public hearing legal ad. Craig seconded the motion. The motion passed with a vote of 4-0 in favor.

**Communications:**

Jere stated that the next Planning Board meeting would be held on Tuesday May 27, 2025 at 7:00pm. Jere also stated that the June 9<sup>th</sup> planning board meeting would be held in the small conference room.

**Other Business:**

Question from David Gray – Can you incorporate the driveway relocation on the plan for lot 2 – for the Barn for the easement for lot 3.

The Planning Board discussed the question from David Gray. The board feels that the original subdivision plan needs to be updated.

**Attendees may address the Board:**

None currently.

**Adjourn:**

Scott made the motion adjourn at 7:45PM. Craig seconded the motion. The motion passed with a vote of 4-0 in favor.

Date Approved: May 24 2025

Signed: [Signature]

Jere Ross, Chairman

**Next meeting** –Tuesday, May 27, 2025