

**Town of Buxton
Planning Board Minutes
May 11, 2026**

Minutes by: Roxanne Gardner

Members present: Craig Lefebvre, Jere Ross, Roger Tracy, Travis Lettelier, and Scott Warchol. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: Henry W. Huntley, Cliff Thomas, James Lowery BH2M, Paul Kimball, Michelle Baird, Linda Fuller, William Fuller, Leigh Chesley, J.P. Connolly, Alyson Brann, Hannah Daman, Nyeela Hueholt, Amy Dow, Scott Hermanson, Craig Collier, Scot Howe, Michael Olanovich, Chad Lodge, Shea Forster.

Chairman Craig Lefebvre called the meeting to order at 7 pm.

Appointments:

- **Public Hearing for - James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14.**

Scott made a motion to open the public hearing for James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14 at 7:01pm. Roger seconded the motion. The motion passed with a vote of 5-0 in favor.

James Lowery BH2M-OBO MFOO Properties LLC stated that the plan was for an 8-unit condominium complex with a 24ft paved access driveway coming in off Spruce Swamp Rd.

Each unit will have its own driveway and garage parking space. The property is 23-acre parcel. Overall limit of development on the parcel is 1.3 acres. 545 square ft of wetland impact. Part of the modifications to the site plan are showing the dumpster with an enclosure, large boulder type of retaining wall by unit-5. Added the cluster mailbox, the note for section 13.3, and the architectural elevation with the dimensions of the building to the site plan.

Craig asked if the Code Officer had any questions or comments. Patti stated no.

Craig asked if there were any questions or comments from the board.

Roger answered no questions or comments.

Jere asked if it was noted on the building plans that the units were going to be sprinkled. James stated that it was noted on the site plan.

Craig stated that his only comment is the applicant added the cluster mailbox and the dumpster with the encloser.

Craig asked if any of the abutters would like to speak.

Alyson Brann, 33 Libby Drive stated that the previous landowner cleared the property and left dangerous trees that no longer have a full root system. This has caused trees to fall on her property and neighbors' property. She has paid someone to take care of the fallen trees on her property but there are still trees left that are still considered dangerous. Alyson asked if there was a plan to remove the dangerous trees that are leaning toward abutters homes before the development. James stated that he would take Alyson information and have the applicant reach out to her. Alyson stated that since the previous owner cleared the property there is extra rainwater which she cannot do anything about until the vegetation is re-established. Alyson is also concerned with the additional vehicles coming up Spruce Swamp toward 202, that is a dangerous intersection with Libby Drive, and she is asking for a stop sign to be put in at the top of Spruce Swamp Rd.

Scott Hermanson, 50 Spruce Swamp Rd. stated that he strongly opposes this proposal not because he is against growth of new neighbors. Scott stated that he feels this project will negatively affect the character, safety, and livability of the community that we are in. This neighborhood has been built and grown as a residential area with a certain scale, density, and rhythm. Placing a high-density condominium development on this lot would fundamentally change that balance. The placement of the duplexes is all crammed in front of such a big lot poses concerns. It would increase the traffic on a road that is already difficult, potentially unsafe, especially during busy hours, and winter weather. Spruce Swamp is one of the last roads to get plowed in Buxton. Along with children, pedestrians, and cyclists that use this road on a day-to-day basis. Beyond traffic, there are also concerns of the bald eagles trying to nest in the surrounding trees. Scott also has issues with the drainage, stormwater runoff, noise, privacy, and the strain on the current infrastructure. Scott asked the board to please consider the president this sets. Decisions like this shape the future of this town for decades to come. Residents choose this area because of its existing character, open space, and neighborhood feel. Developers often describe these projects as progress, but responsible progress should fit the scale and needs of the neighborhood around it. Growth should be thoughtful, measured, and aligned with long-term interest of the residents. Scott stated that when he built his home the Town told him he was not allowed any more than one single house on the 4.61-acre lot that he owns. Scott respectfully asked the board to take this into consideration for the people who already live here and have our voices heard to protect all around us.

Linda Fuller, 29 Spruce Swamp Rd. asked if the board had done a site walk of the property.

Linda stated that the board would have noticed the property is nice and wet with a lot of runoffs. The trees are falling over from the last builder plus there is a hazardous pond in the front that is from the foundation the previous owner started to put in. Linda stated that the Town never made the previous owner fill in the foundation and God knows how an animal or child did not get killed in the foundation. Linda stated that the town had responsibilities that they did not take care of. Linda stated that the fact you are trying to put eight condominiums on 1.8 acres when the whole Town is supposed to be five acres a house.

Jere stated that the total parcel was twenty-three plus acres.

Jere stated that the applicant has twenty-three acres and under the multi-family provision of the ordinance they are allowed to build eight units. Linda asked what happened to the five-acre house lots. Jere stated that it does not apply. Linda wanted to know why it did not apply. Jere stated that it is for a single-family residence.

Patti stated that in the residential zone duplexes require 120,000 square ft with 60,000 square ft for each additional unit. And multi-family is 120,000 square ft with 60,000 square ft for each additional unit.

Linda Fuller asked why the placement of the condominium was so close to the road when the applicant had twenty-three acres. Jamie stated that the clustering helps to keep the homes closer to the road and not disturbing areas that are habitat for other animals. Plus, birds and wildlife that you would prefer to leave unimpacted. Linda stated that till the next builder comes in and buys the rest of the land and wants to put eight more houses on the back of the property. Jamie stated that where this is a condominium the eight condominium owners will own the remaining part of the land and in context of the net residential calculations we had produced nine units and only have eight proposed.

Linda Fuller stated that she wants the 50ft of wooded area between her property and the applicant's property to be left alone and not cleared. Jamie stated that anything that is proposed between the existing pond and Spruce Swamp is away from Lindas' property.

Linda Fuller asked if the rest of the land was going to be open space for the condominium owners and were they going to let snowmobiles use the open space. Jamie stated that there is nothing he is aware of anything that would preclude it from being anything other than open space. Linda asked for something to be put in writing about keeping the property in open space.

Craig stated the applicant meets the ordinance for what the applicant is doing so I do not believe the applicant would have to do that.

Linda Fuller stated that this is just take a quick look and pass it.

Scott Warchol stated that it is land that is not buildable because it is all wetlands and the stuff that is not wet, they are unable to get to.

Craig asked if anyone from the general public would like to speak.

Alyson Brann, 33 Libby Drive stated that once everything is built the rest of the acreage is owned by a joined association at any time can one of them request to build something else back in the open space.

Jere stated that under the existing ordinances. No.

William Fuller, 29 Spruce Swamp Rd. stated that someone overlooked something when that foundation went in on the property and now there is cat and nine tails growing in the pond that formed in the foundation. William asked doesn't that make it wetlands. Jere stated that it is man-made, so no. William stated that if you want to do things right why hasn't it been filled in.

Patti stated that she had contacted the previous landowner and the Towns Attorney. Patti stated that she even wanted to go to a judge and get an injunction to get the foundation filled and our attorney advised us against that. The Attorney stated that it was a civil matter.

Jere stated that Patti had put a stop work order on the previous owner.

Jere stated that Travis had called and double checked with DEP. Travis stated that DEP considers that a constructed pond, which is unregulated.

Jere made a motion to close the public hearing for James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14 at 7:23pm. Scott seconded the motion. The motion passed with a vote of 5-0 in favor.

Patti asked the board if they wanted to discuss any of the concerns that were brought up. Patti stated that with the intersection she could get input from the public works director for the next meeting. Patti stated that we could talk with the contractor and property owner about the trees and get something on the plan for taking care of that.

Jamie stated that he would reach out to Brian and Kevin and have the coordinate with Alyson Brann and potentially the neighbor directly.

Jere asked if the access road was going to have a name. Jamie stated that not to date unless it is required through the assessor.

Patti stated that it could be a number on Spruce Swamp with suits or it can have a name with suits.

Craig stated that the application for James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14. Would be on the June 8,2026 agenda for findings and decision.

- **Public Hearing for - Nyeela Hueholt – Conditional Use Application- For Agro-tourism- 14 Old Orchard Rd- Map 10 Lot 30.**

Roger made a motion to open the public hearing for- Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30 at 7:28 pm. Travis seconded the motion. The motion passed with a vote of 5-0 in favor.

Nyeela Hueholt stated that the application was for Agro-tourism at 14 Old Orchard Rd or 259 Narragansett Trail includes a stage, sauna, and a yurt. This grants us access to be able to have classes and events on the property.

Jere asked Patti about the State waiver for the septic. Patti stated that we have not heard back from them yet.

Scott asked the applicant if the stage speakers are going to point towards route 202 and kind away from neighboring homes. The applicant stated yes.

Patti asked the applicant if she had speakers or if it was acoustic. The applicant stated that on rare occasions there is music held and in which case sometimes it is acoustic and sometimes speakers are used. The applicant stated that it is a pretty low sound system when there is music.

Patti stated that at the last meeting it was said that it was acoustic because there was no power out to the stage. Patti stated that is the only reason she is asking for clarification. The applicant stated that there is power going to the stage and she does not remember ever saying that. Patti stated that the applicant was not at the last meeting.

Scott asked the applicant the hours of operation. The applicant stated that the hours would be 8am to 10pm seven days a week.

Jere asked what the current hours of the café. The applicant stated that the café hours were Thursday to Sunday 8am to 3pm.

Scott stated that he wanted to go on record again and say he is concerned about where the stage is located and being close to the abutters. Scott stated that the applicant would need to watch that. Even at 9:30pm and the sound might be below the decibel levels because that is not what people move there for. Just be good neighbors.

Jere stated that the applicant needed to be mindful that you are responsible to conform to the noise ordinance of the noise ordinance that we have in Town.

Craig asked if any of the abutters would like to speak.

Craig asked if anyone from the general public would like to speak.

Leigh Chesley 20 Old Orchard Rd. stated that her concerns were the traffic and the applicant putting in a fence along the property line. Leigh stated that if they put up a fence, she would like it to look natural. There is wildlife that comes through the two properties and why make it any harder for them. The applicant stated that the fence was in consideration to Leigh.

Paul Kimball stated that fences make good neighbors and not to block Leigh's view but to give Leigh a little bit of privacy. Paul stated that in coordination with Leigh the fence could be designed to look natural.

Leigh Chesley stated that there are deer, fox, and other small animals that go through the two properties and she is worried about the fence.

Leigh Chesley asked the applicant if her classes were going to be a daily thing. The applicant stated no, we are regulated currently to thirty people because of the septic. The applicant stated that there are one or two classes a week.

Shea Forster 137 Old Orchard Rd. Stated that she was at the meeting tonight to show support for the applicant. Shea Forster stated that she thinks it would be nice to have additional third space activities at the café. We go a couple of times a month to eat and have found the community within the building to be very friendly. Being new to the area we have found that the café is a nice place to go and meet other people. Buxton is limited to places you can go there is Skips but she does not drink so it makes Skips a little less appealing.

Mitchell Baird 14 Old Orchard Rd. stated that he is the carpenter for 14 Old Orchard, and he was thinking of offsetting the fence pieces plus having it animal friendly. Other than that, he is excited to continue to see how this grows.

Jere stated that the main entrance to the facility will be from route 202 is that correct. The applicant answered yes.

Jere suggested the applicant put a small sign saying private drive at the entrance of 14 Old Orchard. The applicant stated that the sign never makes the winter because of the plow.

Jere made a motion to close the public hearing for- Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30 at 7:39 pm. Scott seconded the motion. The motion passed with a vote of 5-0 in favor.

Code Officer Patti McKenna stated that the Fire Chief called her today and stated that the structures on the property may need to be permitted by the State Fire Marshall's Office because the public will be using them. Patti stated that the applicant would need to check with the State Fire Marshall. Patti stated that she believes the other conditions she has already been talked about. Patti asked the board if they would like her to read the conditions that she has gathered from the meetings. The board answered yes.

Patti stated that the conditions of the meetings were:

1. All elements and features of the application and all representations made by the applicant concerning the development and the 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 Article 8.2.B and 10 of the Buxton Zoning ordinances.
3. Meet all the requirements of NFPA as requested by Chief Schools as follows:
4. Maximum capacity for classes or events is 30 people.
5. Any state licensing must be obtained where required and copy to the Town. Pizza Oven may require a permit from DHHS.
6. All NFPA 101 requirements shall be met prior to occupancy. – Per Fire Chief.
7. Wood stove in yurt and sauna must be inspected and approved by a certified chimney sweep with written copy provided to the town.
8. Applicants agree to annual inspection by Fire Dept, and Code enforcement of the property including the yurt and sauna.
9. Because structures are intended for public use, state construction permits through the State of Maine Fire Marshal's office are required and must be obtained and complied with prior to occupancy by the public, per local Fire Chief.
10. Must receive state approval for the septic replacement variance request prior to opening.

11. Use of the yurt is limited to classes only. Not to be rented for overnight guests.
12. All outstanding bills be paid before the Conditional use permit is issued \$118.45.
13. An occupancy inspection and permit from the code enforcement office are required before opening.
14. Conform to noise ordinance.
15. Main access from facility will be from route 202.
16. A conditional use permit secured under the provisions of Article 8 shall expire if the work or change involved has not commenced within two years of the date on which authorization is given.

Patti stated that she did not realize there was a pizza oven there and is that going to be a part of the agro tourism. The applicant stated yes. Patti stated that the applicant would need to check with DHHS to see if there is licensing. Patti stated that any pizza oven that she has seen has had a mobile vendors license through the state because they move around but she does not think the applicant pizza oven moves.

Craig stated that the application for Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30 would be on the June 8,2026 agenda for findings and decision.

- **Continued Public Hearing for - J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1.**

Jere made a motion to continue the public hearing for- J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1 at 7:49 pm. Scott seconded the motion. The motion passed with a vote of 5-0 in favor.

J.P. Connolly PE, OBO - GOM Properties LLC stated that he is proposing a 35x70 building addition with an 30x14 awning cover canopy for trailer storage. J.P. stated that he changed the use of the project to auto repair garage and provided an updated application. J.P. also provided both article 8, article 10, and article 11 narrative to reflect the change in the use. J.P. stated that he was also requested to provide sizing calculations for roof area and drip edge and he is showing a drip edge at the rear of the proposed structure. There is a detail on the second sheet of our drawing set showing the filter area, the reservoir area, as well as an under-drain system and he is showing on the plan an outlet for that under drain system as well. J.P. stated that he added notes to the building elevations to reflect the building materials and style. Those are regurgitated on the site plan and general note thirteen.

J.P. Connolly stated that he submitted a request for the paving and has some coordination with the Fire Chief. Unfortunately, he has not given us a formal note but essentially, he said that based on our response to his comments that the requirements for existing buildings were pretty much the same. J.P. stated that he was hoping the board could consider a condition of approval on this coming from the Fire Chief.

Craig asked if any of the abutters would like to speak. None wanted to speak.

Craig asked if anyone from the general public would like to speak. None wanted to speak.

Jere made a motion to grant the waiver 10.7.B.4 for J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1.

Roger seconded the motion. The motion passed with a vote of 5-0 in favor.

Patti asked the applicant to add the waver to the notes on the site plan. The applicant stated that he would add the waver note.

Roger made a motion to close the public hearing for- J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1 at 7:55 pm. Scott seconded the motion. The motion passed with a vote of 5-0 in favor.

Craig stated that the application for J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1 will be on the June 8,2026 agenda for findings and decision.

CEO Report:

Spoke with town attorney on several topics:

1. Review of proposed zoning amendments. She suggested there would be a problem with not issuing building permits if there is a lien foreclosure, only when the town wants to get a permit to demolish, it could prevent us from issuing a permit. What would the Board like to do about that?

After discussing the board agreed to readdress this again before the Town meeting in June.

2. When we adopted the zoning amendments to comply with LD 2003, we actually made our elderly and affordable housing density more restrictive than it was. 2/5 times the density that we adopted for growth area allows less than we allowed in Village, Residential and Rural areas of minimum lot size for the first unit and 20,000 square feet for additional units. Also, to have a public water supply requires someone to have 15 connections. So, we virtually discounted all affordable and elderly housing developments. I don't think that was our intention. I asked our attorney to draft an amendment to put our ordinance back to how it was prior to the fix. For our consideration.

The Town attorney will work on drafting an amendment.

3. We had discussed having our attorney draft amendments to zoning to comply with the latest legislation that we have to have done and approved by July of 2027. She informed me that her municipal rate is going up as of July 1st. We had discussed asking her to work on these amendments and decided to put them off until June. I took it upon myself to asked her to draft

them before July to save the town some attorney fees. After discussing with her, I don't think we have a lot we "have to" change.

4. The Board of Selectmen were approached recently asking the town to adopt a food sovereignty ordinance. It is an ordinance that allows a person to sell homemade food at their property. This is for discussion at a later date. I can provide copies of MMA's draft food sovereignty ordinance for review if you would like a copy. I can provide the town of Sanford's ordinance also. I haven't done any research on other towns yet.

Patti stated that this is a discussion for a later time, but she keeps forgetting to bring it up.

Minutes:

Scott made a motion to approve the minutes for April 27,2026 as written. Travis seconded the motion. The motion passed with a vote of 5-0 in favor.

Bills:

Jere made a motion to pay Portland Press invoice in the amount of \$51.86 for public hearing. Roger seconded the motion. The motion passed with a vote of 5-0 in favor.

Communications:

Craig stated there is a copy of the Maine Town and City magazine April 2026 issue in the Code Office if anyone one would like to look at the magazine.

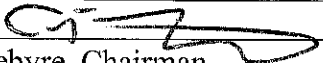
Craig stated that the next Planning Board meeting was scheduled for Tuesday, June 26,2026 at 7:00pm because Town Hall is closed on Monday June 25,2026 for Memorial Day.

Other Business: None Currently.

Attendees may address the Board: None asked to speak.

Adjourn:

Jere made a motion to adjourn at 8:08 pm. Roger seconded the motion. The motion passed 5-0 in favor.

Date Approved: 5-26-26
Signed: 
Craig Lefebvre, Chairman

Next meeting – May 26,2026