

Town of Buxton
Planning Board Minutes
May 26, 2026

Minutes by: Roxanne Gardner

Members present: Craig Lefebvre, Jere Ross, and Travis Lettelier. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Roxanne Gardner, Code Enforcement Secretary. Other attendees: James Lowery BH2M, Henry W. Huntley, Cliff Thomas, J.P. Connolly-DM Roma, Nyeela Hueholt, Michelle Baird, William Fuller, Linda Fuller, Scott Hermanson, Michael Olanovich,

Absent from the meeting: Scott Warchol and Roger Tray.

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

Appointments:

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

James Lowery BH2M, OBO MFOO Properties LLC was present for the findings and decision on the conditional use application for 8-unit condominium complex.

James stated that his homework from the prior meeting was to have the applicants Brian and Kevin Plowman coordinate with the neighbor who had spoken at the public hearing about the potentially dangerous trees. James showed on the site map where the neighbor's property was in relation to the project. James stated that Alyson Branns' property was at the end of Libby Drive and the work being done for the project was in the front portion of the applicant's property by Spruce Swamp Rd. James stated that there is nothing more that is going to be done back behind Alyson's house from a clearing standpoint. James stated that the applicant is willing to meet with Alyson and go over anything and if there are any dangerous trees, they can come to a resolution of clearing the trees. James asked if the trees could be a condition and the applicant is willing to work with the abutters within reason. James stated that the applicant wanted to make it clear that he would only be responsible for trees within his property.

Craig asked how the performance guarantee was coming. James stated that he submitted the cost estimate and the applicant is working on getting the performance guarantee. James stated that the hope was that he could have that as condition of approval. Once the applicant knows he has approval he will go ahead and finalize the letter of credit and have it submitted to Patti.

Craig asked Patti if she was okay with making it part of the conditions. Patti stated that as long as the board does not sign the plans until the performance guarantee is approved. Patti stated that is what the ordinance says.

Patti stated that there was a concern raised about a stop sign on Spruce Swamp Rd and the board should consider whether they want to condition it to have a stop sign without any input from the Public Works director.

Patti stated that she had requested input from the Public Works director, but she was out of the office on Thursday and Friday, so she does not know if anything had been submitted.

Craig asks what Patti's feelings were on the stop sign. Patti stated that if you are coming up Spruce Swamp Road to 202 by Libby Dr there is a blind spot. Patti stated that Libby Drive probably has a stop sign, and she does not know why we would want to stop drivers going down Spruce Swamp coming in, but you really cannot see at the top of the hill.

Jere made a motion based on the previous discussions we found the applicant to be in compliance with all applicable provisions of Article 8.2.B, 10, and 11 if applicable all those in favor. Travis seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

The board discussed conditions of approval.

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, 10, and 11 if applicable of the Buxton Zoning ordinances.
3. The applicant be in compliance with all applicable provisions of Article 13.
4. Meet all the requirements of NFPA as requested by Chief Schools as follows:

All buildings and roads shall comply with all applicable provisions of National Fire Protection Association standards, including but not limited to NFPA 1 Fire Code and NFPA 101 Life Safety Code.

According to page 8, Section 10.17: Fire Protection, the proposed development will utilize automatic fire sprinkler systems as the primary method of fire suppression to meet applicable fire protection requirements. All sprinkler system plans must be submitted to and approved by the State Fire Marshal's Office, with approved copies on file with Buxton Fire-Rescue prior to the rough-in inspection. The sprinkler contractor is responsible for designing the system in full compliance with the Town of Buxton's Fire Protection Performance Standards.

Each of the (8) units shall be properly marked in accordance with the Town of Buxton addressing Ordinance to ensure clear and visible identification for emergency response.

In accordance with NFPA 1, Chapter 18.2.4, the access road/driveway serving this development shall be maintained free of snow and ice to always ensure unobstructed access for fire and emergency apparatus.

The proposed access road/driveway width of 24ft meets the minimum requirements of NFPA Standards.

Dead-End Access Road- Because the developer has elected to provide automatic fire sprinkler protection for each unit—thereby reducing the overall fire risk and the likelihood that fire apparatus will need to access and maneuver within the property—I will not require the roadway to include a turnaround as otherwise mandated by NFPA 1. Should other sections of the Town's ordinances require a turnaround, those provisions remain applicable and should be enforced as appropriate.

5. All outstanding bills be paid before the Conditional use permit is issued \$140.77.
6. Stop sign installed discretion of Public Works director.
7. Applicant shall provide a performance bond in agreement with the Board of Selectmen prior to any building permits being issued or site plans being signed.
8. 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.
9. An occupancy inspection and permit from the Code Enforcement Office are required before opening.

Jere made a motion to approve the application with the above listed conditions for James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14. Craig seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Craig made a motion to approve the findings for James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision Application for Conditional Use – 8-Unit Condominium Complex - Map 8 lot 14 as written. Travis seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Linda Fuller asked where the water supply was coming from to support eight homes. James stated that there are four wells proposed around the site.

Linda Fuller asked what the septic system design was. James stated that as he has shown on the plans there are two systems and each system will manage the waste from two of the buildings. The systems have septic tanks that will be pumped up to the septic field.

Linda asked if the units are being sold to the public or are they government housing. James stated that they are going to be condominiums and he is not aware of any restrictions that the applicant

has that they would have to sell to a certain demographic, income level, or anything like that. James stated that his understanding is the units will be fair market homes.

Linda Fuller stated that it is supposed to be five acre lots in Buxton.

Scott Hermanson stated that when he built his home he paid out of pocket to have the power run down the street. Is there going to be compensation for him having the power run down the street when the applicant ties into the power for the condominiums. James stated that would be between what CMP would require. James stated that he does not know how CMP manages those kinds of expenditures and if there is any means to pay back.

Scott Hermanson asked if there was anything on the plans for a fence or tree line on the side of the property that abuts his. James stated none are proposed.

Patti stated that she wanted to address that this property is in the residential zone with a three-acre minimum lot size and the applicant has more than three acers dedicated to each of those housing developments. Patti stated that the applicant is not getting away with less than anybody else.

Craig stated that to be clear the total lot size supports the eight units going in. Each unit requires three acers, and the property is twenty-three acers. James stated that you would need 120,000 square feet for the first unit and then 60,000 square feet for the additional units.

Patti stated that when a property has open space, that open space is the dedicated land to that development. That does not mean it is open space for public use. It has not been dedicated nor asked for public lands.

- **Findings and Decision For - Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30.**

Nyeela Hueholt was present for the findings and decision on the conditional use application for Agro-Tourism.

Jere asked the applicant if she had a chance to speak with Chief Schools. Nyeela stated that they spoke over the phone last week.

Craig asked if Patti had any questions. Patti stated that after speaking with the Fire Chief today, he was wondering if, because there are so many conditions, if the board does not sign the findings until some of the conditions are met, especially State approvals.

Jere asked if she had heard anything back from the State regarding the septic. Patti stated that she has not.

Nyeela asked if ADA and NFPA are conditions not occupancy. Jere stated that ADA and NFPA are conditions of approval and occupancy.

Patti stated that there are some things like our inspections that will happen after your approval but State licensing on the pizza oven would be a condition of approval. Nyeela stated that she was not operating the pizza oven. Patti asked if the pizza oven was coming off the property. Nyeela stated that the pizza oven will not be used for events. Nyeela stated that the pizza oven was never included in the application.

Patti stated that it would need to be part of the conditions that the pizza oven would only be used for private use.

Patti stated that she still has not received confirmation that the wood stoves, one in the yurt and one in the sauna, meet the requirements that the State Fire Marshall had listed out.

Nyeela asked confirmation from who. Patti stated that the State Fire Marshall sent an email after the applicant provided something from someone who did not sign. It was an invoice that stated that the wood stove is functioning properly. Patti stated that was not what we needed. We need to know whether it is installed according to manufacturer's guidelines installations or that it meets code and what was submitted did not say anything like that. Patti stated that she had sent the applicant all the information from the State Fire Marshall's office saying what we needed and we have not received that information.

Patti started a plant walk. Nyeela stated she had shut down last year for it. Patti stated a plant walk. Nyeela stated yes, that she got notified from you about a plant walk. Patti stated that there were classes, a plant walk, and a class were two different things in her mind.

Nyeela stated that it is a little nitpicking whether it is a plant walk or a class and naming what it is and why it matters.

Patti stated that the applicant advertised it as a class and inviting people to your property for a fee.

Patti stated that this is the first time she has heard of plant walk today. Everything that had been advertised, which precipitated her sending the letter, was all classes. Patti stated that there was yoga, there was a medicinal class, there was a men's group, and counseling classes. That is why she sent the letter.

Nyeela stated that she did speak with the State Fire Chief, and he asked for an email asking for all the information needed. Nyeela stated that she sent the email and has not heard back.

Nyeela asked if there was any way to separate the sauna from the classes because she only wants to be able to do a plant walk on her farm and cannot because of State fire regulations from the sauna. Nyeela stated if she would have known a year and a half ago about all the regulations, she would never have started the agro-tourism.

The Board decided to approve of having classes as part of the agrotourism use of the property only. The use of the yurt is prohibited under this permit other than personal use by the residents of this property. The sauna may only be used for personal use by the residents of this property and not as part of the agrotourism use. The use of the stage is limited to musical events. The reason given for removing those structures and uses was because state permits and approvals are required. At such

times that the applicant can provide state approvals or permits for the yurt and sauna, the applicant may return to the Board to add those to their agrotourism conditional use permit.

Jere made a motion based on the previous discussions we found the applicant to be in compliance with all applicable provisions of Article 8.2.B, 10, and 11 if applicable all those in favor. Travis seconded the motion. The motion passed 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

The board discussed conditions of approval.

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: Each of the proposed "out buildings" must be accessible for both ADA compliance and in accordance with NFPA 1 Fire Code and NFPA 101 Safety Code. Once individual buildings are formally proposed, the specific access requirements for each will be provided. The Site Plan should not be interpreted as a blanket approval for all future buildings or occupancies. As each structure or occupancy moves through the Planning Board process, it may be subject to different fire and life safety requirements.
4. Maximum capacity for classes or events is 30 people.
5. Any state licensing must be obtained where required and copy to the Town.
6. All NFPA 101 requirements shall be met prior to occupancy.
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. Approved hours are 8 a.m. to 10 p.m.
13. Approved number of employees is up to 10.
14. Pizza oven on property is for private use.
15. All outstanding bills be paid before the Conditional use permit is issued \$118.45.
16. An occupancy inspection and permit from the code enforcement office are required before opening.
17. 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.
18. Conform to noise ordinance.
19. Main access to the facility will be from route 202.

Jere made a motion to approve the application with the above listed conditions for Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30. Travis seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Craig made a motion to approve the findings for Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30.as written. Travis seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

- **Findings and Decision For - J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1.**

J.P. Connolly PE, OBO - GOM Properties LLC was present for the findings and decision on the application for conditional use submittal.

Jere made a motion based on the previous discussions we found the applicant to be in compliance with all applicable provisions of Article 8.2.B,10, and 11.3 if applicable all those in favor. Craig seconded the motion. The motion passed 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

The board discussed conditions of approval.

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 ,10, and 11 if applicable of the Buxton Zoning ordinances.
3. Meet all the requirements of NFPA as requested by Chief Schools as follows:

Knox Box: The existing Knox Box shall be updated to include current keys providing access to the new addition.

Smoke Detection: Smoke detectors installed within the addition must be interconnected with the existing building's smoke detection system.

Carbon Monoxide Detection: A carbon monoxide detector shall be installed in a location determined by the owner/operator. Installation must comply with all applicable fire and building code requirements.

Exit & Egress Lighting: Emergency Egress lighting is required to illuminate the means of egress during power loss. A hard-wired exit/egress light shall be installed to serve all designated exit doors.

Fire Extinguishers: The building shall be equipped with code-compliant fire extinguishers in approved locations.

4. All outstanding bills be paid before the Conditional use permit is issued \$89.23.
5. 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.
6. An occupancy inspection and permit from the code enforcement office are required before opening.

Jere made a motion to approve the application with the above listed conditions for J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1. Craig seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Jere made a motion to approve the findings for J.P. Connolly PE, OBO - GOM Properties LLC – Application for Conditional Use Submittal– 1126 Long Plains Rd – Map 6 Lot 11-1.as written. Craig seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

CEO Report: None currently.

Minutes: Jere made a motion to approve the minutes for May 11,2026 as written. Travis seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Bills: None currently.

Communications: None currently.

Other Business: None Currently.

Attendees may address the Board: None asked to speak.

Jere asked if any new applications had come in. Patti stated no.

Jere stated that he leaves it up to the chairman if no new applications come in before Monday June 1,2026 to cancel the June 8th planning board meeting.

Patti stated that the meeting would need to be held in the small conference room on June 8th because of voting.

Craig stated that no applications are submitted by next Monday to cancel the meeting on June 8th.

Jere asked if the board was going to meet in July or take the month off. Jere stated that what the board did in the past is if there were applications the board would due one meeting in July. If there are no applications, then the board will take all of July off.

Patti stated that she was good with taking all of July off.

Adjourn:

Jere made a motion to adjourn at 7:52 pm. Craig seconded the motion. The motion passed with a vote of 3-0 in favor. Scott Warchol and Roger Tracy were absent from the meeting.

Date Approved: 8-24-26

Signed: Craig Lefebvre
Craig Lefebvre, Chairman

Next meeting – June 8,2026