

Town of Buxton Board of Appeals

The Town of Buxton Board of Appeals will hold a public hearing at the Buxton Municipal Building, 185 Portland Road, Buxton, on:
Tuesday January 21, 2025 at 7:00pm.

AGENDA

1. Call to order: Vote for Officers

2. Public Hearing:

James and Adrienne Frederickson – Application for Reconstruction/Replacement of structure
– 65 Proprietors Rd – Map 1A Lot 85

3. Approval of Bills:

MMA invoice for \$50 for workshop on February 11, 2025

4. Communication:

Vote on findings for Gail Berg and sign

5. Approval of Meeting Minutes:

Meeting minutes for 1/7/2025

6. Other:

Discuss holding monthly meetings on Tuesday. Decide which week of the month.

7. Adjourn:

Appeals Board Meeting Minutes January 21, 2025

Meeting Minutes: Roxanne Gardner

Members present: Michael Pettis, Jon Bartlett, Gemma Baldinelli, MaryJo Hanna, Chad Havu.

Attendees: Adrienne Frederickson, James Frederickson, Matt Provencal, Chris Baldinelli, Cliff Thomas, Henry W. Huntley. Also attending Patti McKenna- Code Enforcement officer, Roxanne Gardner- Codes Admin.

Vote for officers:

MaryJo Hanna Made a motion for Michael Pettis to be the chairman of the Appeals Board. Jon Bartlett seconded the motion. Motion passed 5-0 in favor.

Gemma made a motion to open the public hearing for **James and Adrienne Frederickson - Application for Reconstruction/Replacement of structure - 65 Proprietors Rd - Map 1A Lot 85 at 7:09pm**. Jon seconded the motion. Motion passed 5-0 in favor.

Matt Provencal spoke on behalf of the applicants.

Matt stated that he is the architectural designer for the project at 65 Proprietors Rd. Matt stated he had provided additional information on the septic system plus a revised plan set to make sure the building floor plan met the septic system design that is in place. Matt stated that he is at the meeting tonight to answer any question the board might have.

Matt stated that the septic system is in good working order and has been maintained. There was a variance when the septic system was installed, because there is not much space to put the septic in. The foundation for the property is in really good shape as well. Matt stated it would be a matter of rebuilding the structure that is there. Giving a little more space on the second floor, right now there is a loft space. Matt stated that he would be maintaining the allowable max building height to the ridge. Matt stated there is a hardscape patio to be removed plus the area will be revegetated. Matt stated that there were no trees coming down or bushes being removed, the bank was staying the same. Matt stated that the footprint and driveway would be staying the same.

Chairman Michael Pettis asked Matt if the foundation was the original foundation. Matt answered yes. Michael asked Matt what year the house was built. Matt stated he was not sure.

Chairman Michael Pettis asked Matt if they were rebuilding the deck. Matt stated yes.

Michael stated the board's responsibility with waterfront property is the goal is always to increase the setbacks from the waterfront if there is available space. In this case your septic system is right behind the house so there is no way to increase the setback.

Michael asked Matt what the distance is from the waterfront to the deck on the back of the house and the distance from the back of the house to the road. Matt stated that we are approximately 26ft from the closest point of the house to the road and the deck appears to be 44ft to the high-water mark at the top of the bank. Matt stated he could update the site plan and get it into Patti.

Michael made a motion to close the public hearing at 7:22pm. Jon seconded the motion. 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 and voted on by the Appeals Board as follows:

Size of the lot: The existing lot of record is 9,686 SF with no increase or reduction in lot size. The impervious area, however, is being reduced with the reduction of hardscape area.

The appeals Board was good with the applicant's answer.

Slope of the land: The existing land is flat, gently sloping from the gravel road towards the pond. No change in slope is proposed as part of this application, as the existing overall site constraints of the area would not benefit from any change at this parcel.

The appeals Board was good with the applicant's answer.

The potential for soil erosion: Potential soil erosion is mitigated for this application due to extremely limited site work. Site work proposed can be performed with hand equipment further limiting impact. No re-grading is proposed at the site, all vegetation along the bank and pond edge will remain to continue stabilizing the land. As part of the work, a silt fence will be installed to protect the land during construction.

The appeals Board was good with the applicant's answer.

The location of other structures on the property and on adjacent properties: Structures are shown on the site plan within the drawing set. Our proposal is to keep the existing foundation and footprint, rebuild the structure with minimal increase in height, maintaining of course the maximum building height as allowed by the ordinance. No additional structures on the property are proposed. No further encroachment therefore into existing setbacks or towards adjacent and abutting properties or structures, not increasing any non-conformity.

The appeals Board was good with the applicant's answer.

The location of the septic system and other on-site soils suitable for septic systems:

The existing designed and installed two-bedroom septic system is proposed to remain as part of this proposal. The system has been recently inspected and found to be in appropriate condition and operation. When installed, a variance from the local plumbing inspector was granted to allow the system to be 15 feet from the house in lieu of the required 20 feet.

The appeals Board was good with the applicant's answer.

The type and amount of vegetation to be removed to accomplish this relocation:

No vegetation is proposed to be removed as part of this proposal. Hardscape removal is proposed as part of this project, allowing for the addition of vegetation in that area, vegetation type is to be determined. With the information provided above and as shown on the site plan, there is no practicable location for the existing maintained and operational septic system to be relocated. All alternatives would place it closer to the pond, closer to the well (minimum required setbacks must be met) and closer to adjacent properties and structures. The same would apply to the existing structure; its relocation would continue to be non-conforming due to setbacks and not practicable given the suitable condition of the existing foundation. Furthermore, the amount of site work and vegetation removal to achieve such adjustment would be more impactful to the site, pond, and adjacent properties that this is found to be impractical and not feasible.

The appeals Board was good with the applicant's answer.

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

The appeals Board was good with the foundation.

CONCLUSION

The Board agreed after reviewing all the above information that because of the septic system being so close to the property line near the road and received a variance to be 15 feet from the house, there is no room to move the house further from the water. There are no flaws in the existing foundation, and they intend to build on the existing foundation. The Board agreed the existing footprint can be used to build the new house.

DECISION

Michael Pettis made the motion that the applicant can use the existing footprint to reconstruct the home with the condition they provide a survey documenting the existing distances to the shore prior to getting a building permit from the code enforcement officer. MaryJo Hanna seconded the motion. The Board voted 5-0 in favor.

Michael made a motion to except the finding and decision for **James and Adrienne Frederickson – Application for Reconstruction/Replacement of structure – 65 Proprietors Rd – Map 1A Lot 85**. MaryJo seconded the motion. Motion passed 5-0 in favor.

Approval of Bills:

Michael made a motion to pay the Maine Municipal Association invoice for zoom webinar training on February 11, 2025 in the amount of \$50.00. MaryJo seconded the motion. Motion passed 5-0 in favor.

Communication:

Michael made a motion to except the finding and decision for **Gail E Berg – Application for Reconstruction/Replacement of structure – 46 Sunset Cove Rd – Map 1A Lot 64B**. Gemma seconded the motion. Motion passed 5-0 in favor.

Michael made a motion to except the findings and decision for **Katie Collins- Application for a Variance-92 Eaton Drive-Map 10 Lot 1-9 to install a carport 15ft from the road instead of 50ft**. Gemma seconded the motion. Motion passed 5-0 in favor.

Approval of Meeting Minutes:

Michael made a motion to approve the minutes for January 7, 2025 as written. Jon seconded the motion. Motion passed 3-0 in favor.

Other:

Michael made a motion to open the public meeting to comments. MaryJo seconded the motion. Motion passed 5-0 in favor.

Chris Baldinelli stated that during the public hearing the board is supposed to open it up to comments from the abutters or the public and that did not happen and wanted to know if that was still happening. Michael said yes, and he was sorry.

Michael made a motion to close the public hearing. Jon seconded the motion. Motion passed 5-0 in favor.

Michael stated the board received a copy of the bylaws for the Appeals Board and he would like the board to look them over for discussion at the next Appeals meeting.

Michael made a motion to move the Appeals Board meeting to the first Thursday of every month at 6pm. Motion fails for lack of a second.

MaryJo stated that she had a conflict with March and April's meetings being on

Thursday because of other commitments but starting May, she would be able to do the first Thursday.

Michael made a motion to move the Appeals Board meeting to the first Thursday of every month at 7pm and the third Thursday of the month if needed starting February. MaryJo seconded the motion. Motion passed 5-0.

Adjournment:

Chad Havu made a motion to adjourn the meeting at 7:58pm. Gemma seconded the motion. Motion passed 5-0 in favor.

Date Approved: 4/3/25

Signed: 

Michael Pettis, Chairman

PLEASE SIGN IN

DATE: January 21, 2023

BOARD: **Board of Appeals**

Please **PRINT** your name for the record:

Adrienne Frederickson

James Frederickson

Matt Provencal

CLIFF THOMAS

Chris Baldmell

Henry W. Huntley