

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 7, 2025 at 7:00pm.

AGENDA

1. Call to order:

2. Public Hearing:

Gail E Berg – Application for Reconstruction/Replacement of structure – 46 Sunset Cove Rd – Map 1A Lot 64B.

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

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.

3. Approval of Bills:

Portland Press Herald \$42.59 for the cancelled meeting on 12/10/2024.

Portland Press Herald \$48.15 for tonight's meeting on 1/7/2025.

Portland Press Herald \$44.45 for tonight's meeting on 1/7/2025.

4. Communication:

Maine Town and City publication

MMA's Local Planning Board and Appeal Webinar February 11, 2025

5. Approval of Meeting Minutes: None

6. Adjourn:

Appeals Board Meeting Minutes January 7, 2025

Members present: Michael Pettis, Jon Bartlett, Gemma Baldinelli.

Absent Members: Maryjo Hanna

Attendees: Gail E Berg, Katie Collins, Adrienne Frederickson, one signature unable to make out. Also attending Roxanne Gardner Codes – Planning Admin.

The Appeals board Members decided to have Michael Pettis Chair the public hearing.

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

Chairman Michael Pettis made a motion to open the public Hearing: **Gail E Berg – Application for Reconstruction/Replacement of structure – 46 Sunset Cove Rd – Map 1A Lot 64B.** Jon Bartlett seconded the motion. Motion passed 3-0.

Chairman Michael Pettis asked the applicant to address the board and speak to the reasoning of their request.

Gail E. Berg stated in her application for 46 Sunset Cove Rd that she is looking to clear space of approximately 16 by 24 so she can build a new shed. Gail stated there was previously a shed on part of the property she would like to clear out and there is another existing shed that will be torn down. Gail stated that the new shed would give her space to store all the watercrafts, and outside patio furniture. Gail stated that she only had one spot where she could put the shed because ten years ago, she had to have a new septic tank installed. The septic tank is between my property and the other neighbors, and the other side of the property has water pipes and parking. The leach field runs parallel to the road, so I have lost use of my back yard, which is why I am looking to clear this area adjacent to where the existing shed is.

Gemma Baldinelli made a motion to open the public hearing to public comments. Jon seconded the motion. Motion passed 3-0.

Chairman Michael Pettis asked if anyone from the public would like to speak on the application.

Michael Pettis asked Gail if the leach field was across the street from her property. Gail answered yes, and behind that is the part of the yard we lost when the berm was put in as the new leach field. Michael asked is this the shed that will be replaced. Gail answered yes, there was another shed to it previously but that has already gone and the shed that is there now will be replaced with a bigger one. Michael asked what the distance between where the shed is and the property line for the next lot. Gail answered it will be close to the

property line but there is an easement of 6ft between lot one and lot two and it would go up part of that because I need the three feet all around for them to build the shed. The new shed itself would be 10ft and then 20ft back. Michael asked what the distance was from the new shed to the water. Gail answered that it would be easily 45ft I believe, and that would be the boggy area not to the lakeside. Michael stated the one concern is the shed is butted up against the property line with really no space in between and there should be. Gail stated that there could be space after she takes down the existing shed. They could use a part of that space, it is about be 3 or 4ft but the berm does come behind that existing shed, but I would be able to get 3 to 5ft of that space. Gail stated that from the 10ft will be room between the two properties. Michael asked the 10ft being where. Gail answered the 10ft would be along the road and then it goes 20ft back. Gail stated that she needs to clear it for them to build it, but then if I needed to plant a bush or a tree, I could do that after.

Gemma stated on November 26, 2024 Patti asked the applicant to provide the distance to the property line and to the pond. Gail answered it would be about 10ft between the two properties when the shed is finished. Gemma stated that it is 45ft from the water. Gail answered when you come down the dirt road there is a boggy area and my property extends into the boggy area, from where the end of the proposed shed would be. It would be another 45ft before you would get to the boggy water. Gemma asked Gail if she could move the shed over to match the footprint or at least include the footprint of the shed. Gail answered that she could do part of it, but the leach field/Berm goes partly behind that shed. Gemma asked Gail to point on the map where it is. So, when I take the shed down, I can use about 4ft of that. The shed people can use that 3ft and then it would just go back.

Michael asked Gail if she had reached out to the abutting property owner to show them exactly what you are going to do. Gail stated she had texted them what she was planning to do plus it was Gail understanding that notices were sent to the owners. Gail stated she did not get a response back from the property owners. Gail stated she assumed they were okay with it, or they would have contacted me back.

Gemma asked Gail what the dimensions of the new shed are. Gail answered the new shed would be 10ft by 20ft.

Michael made a motion to close the public portion of the meeting. Jon seconded the motion. Motion passed 3-0 in favor.

Michael asked the board had any questions or concerns.

Gemma asked Gail how close the shed to the road is currently. Gail answered about 5ft.

Michael made a motion to deny the request due to there not being enough space between the property line and the new shed. Jon seconded the motion. Motion passed 3-0 in favor.

Gail asked if she would make the shed smaller, would that help? Michael stated they had to base their decision on the information they have in front of them if Gail wanted to go

back and take another look and meet up with Code Enforcement Patti and see what Patti would think you are very welcome to do that, but we cannot change the measurements during the meeting.

Michael 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**. Jon seconded the motion. Motion passed 3-0 in favor.

Adrienne stated that what she was looking to do is tear down the existing structure that is there, not expand it in any way. We are looking to build on the existing foundation and take off the hip roof and put a gable end on the building with a couple of extra dormers.

Michael asked Adrienne if they were going to use the existing septic system. Adrienne answered yes. Michael stated that the septic design is for a two bedroom. Adrienne stated when we had the leach field inspected it was for three. Michael stated the paperwork states two bedroom. Michael asked Adrienne are you planning to make a three bedroom. Adrienne said yes. Michael stated according to the septic design the system would not be big enough to manage a three bedroom. Michael asked Adrienne do you have a one bathroom now. Adrienne answered yes. Michael stated you are adding a second bathroom and an additional bedroom. Adrienne answered yes, but this would be just a temporary seasonal home for us not a year-round home. Michael stated the problem is that we can only base our decisions on the information we have in front of us. The information we have in front of us right now is a two-bedroom with one bath converting to a three-bedroom with two baths and using the same septic system. Michael asked Adrienne if there was a current septic design. Adrienne answered I did email Patti but when we bought the property, we had the leach field inspected. The site evaluator stated the leach field was in amazing shape and he was surprised at how good it was. Michael asked did they say if it could manage the additional bathroom and additional bedroom. Did he put that in writing? Adrienne answered she didn't know. Adrienne asked if she would go back to the leach field company, and they said that in writing would I then be able to move forward. Michael stated it would still have to be considered, but I think it would help because again what we are looking at based on this information is the applicant wanting another bathroom plus a bedroom and your current septic is not going to manage that. Michael stated he did not know what they could do to fix it or what they would have to do. Gemma stated when the site evaluators are reviewing it if they said yes to the size and so forth that they believe it could manage it, and you have them write that on their letterhead then turn it into Patti.

Michael made a motion to close the public hearing at 7:30pm. Jon seconded the motion. Motion passed 3-0 in favor.

Michael made a motion to table the application for **James and Adrienne Frederickson – Application for Reconstruction/Replacement of structure – 65 Proprietors Rd – Map 1A Lot 85**. Until January 16, 2025 at 7pm.

Adrienne asked the board if they saw any other objections as of right now. Michael answered he had gone through it quickly but when he realized that the septic was not going to work, he already had the feeling that we were going to postpone this. Michael stated that he will certainly go through it again and will add that additional piece of information, but he cannot sit there and tell the applicant that you are going to get the okay at this time.

Roxanne Gardner Appeals board secretary stated they are just looking at the location of setbacks for replacement of structure. Using the criteria on the application.

Gemma stated the proposal that she is bringing up is just the addition and we are just looking at setbacks and verifying that it fits in that realm and then we can approve that portion and the rest of it is up to Patti.

Michael stated that we can say the setbacks are met but they will still have to come back with information on the septic. Gemma answered that would be with Patti again. Michael stated we are not giving approval for this to be done tonight without that information on the septic.

Roxanne stated that you would be if you were just looking at the criteria for the setbacks.

Michael asked Adrienne if it was going onto the same foundation. Adrienne answered yes.

Michael stated the issue he still is having is the existing home has one bathroom and two bedrooms and now it will be two bathrooms and three bedrooms with the same septic design, and he would feel better if he talked with Patti. Michael scheduled for Adrienne to come back on January 14, 2025 at 7pm.

Michael made a motion to open the public hearing at 7:43 for the application 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**. Jon seconded the motion. Motion passed 3-0 in favor.

Katie Collins stated that what they were looking to do is build a carport on our property. The property is long and skinny, and the house sets sideways on the property so the front door faces the neighbor instead of the street and we want to put the carport in front of the house beside the street, but we will not have 50ft from the road which is Katie's understanding is the rule.

Michael asked how many feet. Katie answered it is my understanding that it had to be 50ft away, but we will be 15ft away from the road. Katie stated that behind the house is the

septic tank and the other side of the driveway has well lines.

Michael asked the applicant to come up front to the map drawing. Michael stated here is the road and the driveway. Katie answered yes. Michael pointed to the map and asked Katie is this where you will be building the carport. Katie answered yes. Michael asked Katie if she would be driving into the driveway and turning or if she was going to do a loop. Katie pointed at the map and stated we can do either, because it is just a square. Michael asked if it would be an enclosed carport. Katie answered that the carport would be enclosed with metal on three sides and have a raised door in the back. There is an area to park and a shed part in the back. Michael asked the other board members if they knew what the difference between a carport and a garage was. Gemma stated that the biggest thing is a permanent structure versus portable. Michael asked Katie if the carport was going to be a permanent structure. Katie answered there is no foundation so to me that is not permanent. It is pegs in the ground to hold so it could be taken down if it needed to be.

Jon asked Katie what side the utilities was on. Katie answered that the wires came across the street to the house. It would not be on the same side of the driveway as the carport. Jon stated the utilities are on the other side of the road. Katie answered yes.

Gemma asked Katie if the structure was all metal. Katie answered yes. Gemma stated that on the drawing it says 16ft from the property line is this correct. Katie answered yes.

Michael made a motion to close the public hearing. Jon seconded the motion. Motion passed 3-0 in favor.

Roxanne stated the appeals board needed to go through and answer the questions of the criteria on the application.

Michael read outloud the following and the board answered each one.

A. The need for the Variance is due to the unique circumstances of the property and not to the general condition of the neighborhood. The Appeals Board answered the applicant meets this.

B. The granting of a Variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties. The Appeals Board answered the applicant meets this.

C. The practical difficulty is not the result of action taken by the petitioner or a prior owner. The Appeals Board answered the applicant meets this.

D. No other feasible alternative to a Variance is available to the petitioner. The Appeals Board answered the applicant meets this.

E. The granting of a Variance will not unreasonably adversely affect the natural environment. The Appeals Board answered the applicant meets this.

F. The property is not located in whole or in part within the shoreland areas as defined in 38 M.R.S.A, § 435. The Appeals Board answered the applicant meets this.

Michael made a motion to approve the applicants request to have the carport built. Jon seconded the motion. Motion passed 3-0 in favor.

Approval of Bills:

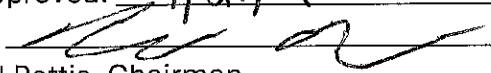
Michael made a motion to pay the Portland Press Herald bills for \$42.59 \$48.15 \$44.45. Jon seconded the motion. Motion passed 3-0 in favor.

Communication:

The planning board looked at the flyer for the MMA's Local Planning Board and Appeal Webinar February 11,2025. Gemma stated that she would like to take the online seminar.

Adjournment:

Michael made a motion to adjourn the meeting at 8:01pm. Jon seconded the motion. Motion passed 3-0 in favor.

Date Approved: 1/21/25
Signed: 
Michael Pettis, Chairman

PLEASE SIGN IN

DATE: Tuesday January 7, 2025

BOARD: Board of Appeals

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

Gail E. Berg

K. Pennington

Adrienne Frederickson

Kate Collins