

**Town of Buxton
Planning Board Minutes
April 13, 2026**

Minutes by: Roxanne Gardner

Members present: Jere Ross, Roger Tracy, Travis Lettelier, and Scott Warchol. Craig Lefebvre was absent. Also attending on behalf of the town: Patti McKenna, Code Enforcement Officer, Other attendees: Henry W. Huntley J.P. Connolly – DM Roma, Michael Olanovich, Winter Robinson, Michael Robinson, James Lowrey, BH2M, Julie Gamelson, Amy Dow, Andrea Blinn, Nyeela Hueholt, Britten Roberts, Andrew Ross, Emily Weyrouch, Felicia Dumont, Noah Schoneberg, Andy Ces, Kevin Girelth, Parker Klwine

Vice-Chairman Jere Ross called the meeting to order at 7 pm.

Appointments:

Public Hearing for proposed zoning amendments for June 13 town meeting: Scott Warchol made the motion to open the public hearing. Travis seconded. Motion passed with a vote of 4-0 in favor. Jere Ross read the following proposed changes:

Section 5.4.2 – Issuance prohibited when an unresolved land use violation exists.

No building permit shall be issued to an applicant if there are any unresolved land use or zoning violations relating to the property for which the permit is being sought; provided, however, that this shall not prevent the issuance of permits necessary to resolve the underlying zoning or land use violation.

Section 5.4.3 – Issuance prohibited when a property has a matured tax lien. No building permit shall be issued to an application if the property has a foreclosed tax lien.

Section 9.7 Height Restrictions.

The maximum building height permitted shall be ~~two stories or~~ thirty-five feet. However, this height requirements shall not apply to farm buildings, flagpoles, chimneys, ventilators, domes, water towers, church steeples, tanks, windmill towers or other structures or building accessory features usually erected at a height greater than the main roofs of buildings provided that such structures or accessory features are not for human habitation or occupancy and further provided that any structure or accessory features higher than ~~thirty-five~~ thirty-five feet is set back from all property lines a distance at least equal to its height.

Jere asked for comments from the public. Hearing none Scott made the motion to close the public hearing at 7:07 pm. Roger Tracy seconded. The motion passed with a vote of 4-0 in favor. Town meeting will by June 13 on a Saturday.

J.P Connolly PE, OBO - GOM Properties LLC –Revised Application for Conditional Use Submittal – Construct a building addition, adding 2,940sf of total roof area which includes

a 30'x17' cover trailer storage area, and a 35'x84' proposed garage with two overhead doors – 1126 Long Plains Rd – Map 6 Lot 11-1. The Board reviewed the site walk. Travis spoke stating he has the same concerns as he had at the last meeting. Whether this property is subject to shoreland zone. There was nothing in the plan regarding where the stormwater from drip edge drains to. He also feels this is a site plan amendment. The claim is there is no increase in impervious area. The original footprint was more compact at 9,000 square feet. Just to get the numbers correct. He can see over time that more has been added. The town received guidance from DEP, the town attorney and MMA regarding the wetlands. There is a mixed bag of whether we have to have it on our maps. He thinks the definition in the ordinance covers it. That was the opinion of the lawyers. Jere states he will let the applicant respond.

JP stated that as far as the impervious area he generally agrees with Travis's comments. In preparation to respond to Travis's concerns he researched historical aerial imagery. This was reviewed from 1998 and earlier through current to show there wasn't a lot of change in the use of the site over the years. The property was purchased by the current owner in 2022 as it exists today and is functioning as far as stormwater is concerned. He feels the ability of the area to absorb stormwater has been demonstrated by the use of the site. He adds that if the town wants him to adjust his calculations based on the site plan from the previous site plan. He feels that if DEP was to look at stormwater law they can demonstrate there hasn't been a lot of change in the use of the site or of impervious area. A review of images from google over the years was reviewed, from 2003 to today. As we cycle through these you can see the site didn't change much. Travis feels the area before was around 9500 square feet. There was more discussion between JP and Travis regarding whether this application is an expansion of the previous approved plan vs. existing conditions. Travis stated he agrees that they are showing parking to meet the ordinance. The parking area in the front is new. He further explains that the drip edge is not shown on the current plan. He will add that and calculate the volumes. It will feed into the underdrain and will gravity feed.

Scott Warchol asked that the term industrial repair be removed from the application. Industrial is not allowed in this district. It is just auto repair. JP will amend that. Scott stated that term needs to be removed from the written response for section 8.2.B.9. Scott asks if the plan can show vertical siding instead of horizontal. JP can't manipulate that design, he did put verbiage on the cover sheet of his submission, but he can physically write on the plan that this note supersedes the plan. Scott asked him to show the color of the siding and what the lighting will be. Scott asked him to show pavement template.

Roger had no questions.

Jere asked if the Board was all set with the architectural standards for the building commercial design standards in the overlay zone. The Board agreed it was satisfied.

Jere asked the Board if it feels the property is in the shoreland zone. Jere stated he did not consider this lot to be in the shoreland zone. Scott stated that because it is not indicated on the town's shoreland map, that he does not consider it in the shoreland zone. Jere stated that he

thinks the applicant was notified that the town was not going to ask for a peer review regarding this. Patti asked if the Board feels the Board needs to vote on whether it is in the shoreland zone or not because she doesn't think everyone agrees that it isn't in the shoreland zone. Travis states that if there was a vote, he would disagree that it wasn't in the shoreland zone.

Jere feels that DEP stated we have to enforce our map. Travis stated that town counsel stated that the definition of the ordinance discusses if there is a conflict between the map and the definition. But then the ordinance also says something different about using the map. We have conflicting information all around. He would ere on the conservative side.

Scott added that the town's shoreland map that identifies where our shoreland areas are. He doesn't necessarily agree with it. He feels that a wetland soil scientist. He stated that he was looking at some wetland information in the code office earlier about farmed wetlands. Patti explained that on the national wetland inventory it lists that area as special modifier for farmed wetlands. Farmed wetlands occur where the soil has been mechanically or physically altered for crops but hydrophytes would be re-established if the farming were discontinued. That goes along with what their soil scientist was telling us in his review of the wetlands. Travis stated that he was not as concerned with the wetland across Long Plains Road. He was more concerned with the wetland across Dunnell Road that had been harvested. It had been cleared and is moving toward a forested wetland again. Travis stated the soil scientist did say it was a scrub shrub wetland and is moving towards a forested wetland.

There are two outstanding items to provide. Comments from the Fire Chief and to address Scott's comments. We would need the revised information by the 22nd. The Board felt it had enough information to hold a public hearing. Scott made a motion to hold a public hearing for GOM properties at 1126 Long Plains Rd on Map 6 Lot 11-1 on April 27, 2026 at 7 p.m. Roger Tracy seconded. The motion passed with a vote of 4-0 in favor.

James Lowery BH2M, OBO – MFOO Properties LLC – Preliminary Subdivision

Application Map 8 Lot 14 – 8-Unit Condominium Complex. James Lowry explained the project as being 8 unit condo project. There will be four duplex units -two units per structure. The lot is off Spruce Swamp Rd where the road turns to gravel. The lot s 23.4 acres with developed area about 1.3 acres. The buildings are 39 x 47, 2 bedroom with single car garage. The units will be sprinkled. There will be a 10 x 20 driveway. 24 foot paved access drive off Spruce Swamp. The Fire Chief has indicated the access drive is acceptable to him where the units will be sprinkled. In the front there is a stormwater management basin to control stormwater runoff. In their calculations they did have a small increase in runoff during a 2 year storm but it all gets rolled in to the 25 year storm. He reviewed the wetlands on the property. There are a couple of wetlands of special significance on the property. Wetland associated with the pond with a 75 foot buffer which a permit by rule application. Some of the grading will be within the 75 foot limit. The smaller wetland has a significant vernal pool is classified as special significant wetland. Both areas are in the central part of the property is well outside of the 250 foot setback of that area. There are some wetland impacts in the front of the lot. He states that wetland impacts are below DEP Tier I review standards, but an Army Corps review would be required. They have provided reserve septic areas. There is one well per building proposed.

Approximate locations are shown. He has reached out to the postal service for input on the location of the cluster mailbox. Shows an area for trash receptacles to get picked up. A snow storage area is shown on the plan. In his opinion a high intensity soil survey is not needed because there are some poorly drained soils on site, however the area of development is in the moderately drained soils portion of the lot. There was a site walk scheduled last fall but that was cancelled by the owner.

Comments from the Board. Roger Tracy states he will reserve questions for after we do a site walk. Scott asked how high the buildings are. James states they are below the 30 foot threshold in the ordinance. They changed the pitch of the buildings to 6/12 instead of 8/12. He will make sure that is indicated on the plan. Scott stated he believes they will need a dumpster, from the notes from the transfer station manager. Jere asked if they are being sold as condos wouldn't that be residential as indivial units? Clarification from Greg, transfer station manager will be sought.

Travis states he is on board with not needing a high intensity soil survey because of where the development is happening. He asked if the Fire Chief wanted a turn around. The Fire Chief's review stated he was ok with not having a turn around where the units will be sprinkled. He asked about wells on abutting properties be located. James said that they located the wells on abutting properties and they are outside of the 100-foot zone. Travis asked James to check the grades of the driveway to make sure they are towards the pond and the road. The back of units 5-8, the grading seems off with the septic tanks he has proposed. Stormwater looked good.

Jere asked about reserve septic areas and doesn't see it on the plan. James stated that they will add a reserve area to the new set of plans for replacement septic systems. He added that in reality should the systems fail the replacement would most likely be installed in the same spot as the failed.

Jere asked if the Board would have to review the condo docs. A proposed condo doc was submitted with this application. James stated as things get developed those will get tailored to exact dimensions and features.

Jere reminded James with Greg, transfer station manager regarding trash receptacles vs. dumpster. There is an area for a dumpster if they need to have one. Jere stated that it would have to be screened also.

Finding the application complete Scott made the motion to schedule a site walk for MFOO LLC for 8 unit condo on Spruce Swamp Rd on map 8 lot 14, on Monday, April 20 at 5:30 p.m. Travis seconded. The motion passed with a vote of 4-0 in favor. The Board asked they he depicts the center of the road, and flags the 4 outer corners staked out for each building, and the septic systems are already flagged. James added that to answer Patti's question on the test pit logs, one of the test pits was the same, there are to test pits shown on the plan but because they tested the same, they just showed one soil profile on the HHE200.

Pre-application Plan Review – Austin Fagan BH2M OBO – Andy Maley (Capital Heights LLC) for a three-lot subdivision and two associated 4-unit affordable housing development- 237 Cemetery Road – Map 2 Lot 45. James Lowry from BH2M was representing for this application. They haven't completed the boundary survey yet. They wanted to go over the sketch plan and layout first. This is a 12-13 acre parcel which they want to split into three lots and leave remaining land that has a trailer on it, which is just shy of 2 acres. They are trying to build affordable housing. They would like to have 4 single family condo units on each of the two lots with shared wells and shared septic for the 8 condos.

Scott asked why are they splitting the lot and not just have 8 condos on one lot. James explained that in our ordinance section 11.22.F.5 it limits the number of buildings on a lot to 5 per affordable housing development. That's why they are proposing condo lot project 1 and 2 with four buildings each. Didn't know if in the context of the ordinance was it intended to be for affordable housing or its 5 buildings in total.

The second question they had was what does section 11.22.F.2.1 mean: More than half the units must be affordable to get the affordable density bonus. Is that more than half total between the two lots?

Scott stated there are some things he will need to do before they answer that. The remaining land will need to show that there is buildable land that is required. For lot 1 and 2 what is the net residential area. Lot two is 45% wetland, so how much buildable land. The net residential calcs were listed on the subdivision. To go along with that, why are we making this two lots and not one lot. Patti explained that the ordinance limiting 5 buildings for affordable is why they are splitting it. Reviewed the allowed units for conventional lots vs. affordable housing density bonus.

James asked what are the Board's thoughts on shared utilities? There would be a shared easement between the two lots. It was explained that in order to get the density bonus for affordable housing section 11.22.F.1 states it has to be in the Village district which is our growth area, or the other option is to have public water and central sewer.

Scott asked why are there two entrances. On lot 1 is that a wetland or lowlands? James responded there are no significant wetlands. Are they going to be privately owned? James stated these would be sold as single family condo units and the grounds would be owned and managed by an association. Scott asked again, why is this two parcels and not one. James explained because the ordinance allows 5 total buildings. By subdividing it you could do 4 units each lot.

Travis asked if they could take another look at net residential calculation because it seems some of the aspects but they don't have all of them. For example, the right of way for the road must be subtracted from the density. Travis views this as one development. If you break it into two lots it doesn't make it two projects. He thinks he is limited to 5 buildings the way he reads the

ordinance. Most of the development in residential zone. The Village is the growth area to allow to do affordable housing. If part of the lot is in the Village, does the whole thing apply to village. The other option is being public water and sewer, and there are stipulations on those. Would want to see those conditions met to see if it qualifies for the density bonus of affordable housing, in section 11.22 of the ordinance. Specifically 11.22.F.

Roger had no questions or comments.

Jere stated he would like to see the remaining land numbered as lot 3. The current owner is retaining the remaining land. The lot owner, Andy Maley explained that he doesn't want to do duplexes. He wanted to build affordable single family homes to be sold. It is important to him to provide an affordable home for a family and not to have them share a duplex.

The Board explained that they would either have to sprinkle the houses or provide a cistern.

James stated he would look at net density to include the right of way and the poorly drained soils. They would take into consideration everything discussed and come back.

Nyeela Hueholt – Conditional Use Application- For Agro-tourism-14 Old Orchard Rd- Map 10 Lot 30. The Board thanked Nyeela for providing a new site plan.

Roger Tracy stated that he was doing some research on agrotourism and its purpose is to attract consumers to the farm. There wasn't a lot of restrictions on what you couldn't do to attract people. Travis agrees that anything they can do to generate extra people coming to the farm and extra income meets the definition as far as he's concerned.

Scott asked why did they say they would only be doing the sauna for May through Oct? Nyeela stated that statement was primarily for the outdoor use. She would like to do indoor classes and the sauna year-round, using the yurt and the café for smaller classes.

Jere asked about parking. He asked Nyeela what she thinks the maximum number of students can attend a class. After considered the fact that not everyone drives to a class alone, and there are 19 spaces, the attendees of a class would be limited to the parking spaces and maxed at 30 by the septic system design.

Jere states that the sauna and yurt would have to meet safety requirements and be inspected yearly by the Fire Dept and code office. Nyeela agreed to work with both departments to have the yurt and sauna brought up to life safety and building codes be inspected yearly. Roger added unless the Fire Dept requires more inspections. Nyeela asked Patti where are we at with the Fire Chief. Has there been any correspondence? They need specs on the stove. Patti stated that all of that safety can happen after she gets the use permit but before they get occupancy permit. Jere adds that he would like to see the yurt get inspected and pass inspection prior to use. The yurt could be used for smaller classes.

There was discussion about concerts. Jere asked what the limitation should be, by the number of cars or the number of people. Roger thinks that it would be the same based on the people on the septic. If they exceed 30 people at an event, they would have to bring in porta -potty. Jere stated he is more concerned about parking. If there was a hundred people there, where are they going to park. Scott states our ordinance doesn't allow us to consider 202 parking. Roger states from his experience, she won't get more than 30 people. Jere asked if she'd be willing to set a limit of 30 people? Nyeela was Scott asked if this is her house. Asking if there is ability to make more parking.

Jere stated conditions would be: The maximum number of attendees for classes and events is 30. The yurt and sauna would be inspected yearly by code enforcement and Fire Chief.

The Board felt the application was complete. Scott made the motion to schedule a site walk for agrotourism at 14 Old Orchard Rd, map 10 lot 30 on Monday, April 20, at 6:15 p.m. Roger seconded. The motion passed with a vote of 4-0.

CEO Report:

Patti reported to the Board that she sent the proposed zoning amendments to the Board of Selectmen for inclusion in the town meeting warrant. She also sent them to the attorney for input. We were at the deadline to submit them. We can always pull them from the vote if we have to.

Minutes: Since there wasn't a quorum of board members present from the March 23 meeting, the voting of these minutes will be put off until next meeting.

Bills: Scott made the motion to approve the bill for Portland Press Herald for a legal ad in the amount of \$50.01. Travis seconded. The motion passed with a vote of 4-0 in favor.

Communications: It was noted that the June 8 planning board meeting will be in the small conference room because the large meeting room will be set up for town meeting.

Other Business: Patti reported that there were no written minutes or notice of decision for Go Motor Sports conditional use approval from December 27, 2021. She reviewed the recording of that meeting and drafted the minutes and notice of decision. It has been provided to the Board for review and discussion at another meeting.

Attendees may address the Board: None asked to speak.

Adjourn: Scott made a motion to adjourn at 8:38 pm. Roger seconded the motion. The motion passed 4-0 in favor.

Date Approved: 4-27-26

Signed: 
Craig Lefebvre, Chairman

Next meeting – April 27, 2026