

Town of Buxton
Planning Board Minutes
February 26, 2024

Minutes prepared by Patti McKenna

Chairman Keith Emery called the meeting to order at 7 p.m.

Members present: Chris Baldinelli, Jere Ross, Craig Lefebvre, Roger Tracey. Also attending on behalf of the town: Patti McKenna, Code Enforcement, Roxanne Gardner Codes - Planning Admin. Others in attendance: Cliff Thomas, Henry Huntley, Andrew Morrell from BH2M, Sarah Mazerolle, Jason Mazerolle, Jean Harmon, David Harmon, Karen Burrows, Atchan Tamaki.

Appointments:

Subdivision application of Bill Ham - BH2M - 9 lots off Old Standish Road on Map 1 Lot 132-1 & 13. Andy Morrell from BH2M spoke on behalf of the applicant. Andy went over the changes the Planning Board requested at the December 11, 2023 meeting. The driveways were moved outside of the hammerhead. The fire cistern has a new details page after getting input from the Fire Chief. They added the test pits. They reconfigured the lots to comply with the 40,000 square feet of buildable area requirement. They added a note to the plan that summarizes the fire protection requirements and that all the lots are within 1,000 feet of the cistern. An easement was added to the fire cistern as requested. They attached an email exchange from the town of Standish notifying them of the subdivision application because the lot is located in both towns. Andy believes that they notified Standish back when this started and because there is no development in the Town of Standish they declined to participate. Keith Emery asks that we email the Town of Standish also. Andy summarizes with they are here tonight to move the project along to the next stage and get preliminary approval tonight.

Keith Emery asks that they move the hammerhead to the right side of the road, for plowing purposes. Andy Morrell states they will move it.

CEO McKenna states that in the first plan there was a 30,000-gallon cistern and in this plan, there is a 10,000-gallon cistern. The Fire Chief contacted her with a copy of a policy adopted in 2016 that requires a 10,000-gallon cistern for every 5 homes. This subdivision is an amendment to a previous 4 lot subdivision. With the addition of 9 more lots, this would require 30,000 gallons of cistern/s.

Craig Lefebvre asked if they submitted answers to all the sections of the ordinance. Andy said yes. CEO McKenna states that she believes that they had not submitted

answers to all sections required at the sketch plan stage. Andy said he would take care of that.

Keith Emery asks the Board if they want to accept this as preliminary plan. Craig Lefebvre stated they would need to show the larger cistern on the plan. Andy stated that it would be added. Craig Lefebvre made the motion to find the preliminary plan in compliance. Keith Emery seconded. The motion passed with a vote of 5-0 in favor.

Tamaki composting application - 59 Back Nippen Rd - Map 4 Lot 48-A & 48-C.

Atchan Tamaki explained what he is applying to do at this property. He has been in business 38 years as a seafood processing business. He has by-products of that business, specifically sea urchin. He stated that Governor Angus King attended a dinner where he spoke about appreciating the revenue to Maine economy from this business. He has been looking for a site in which he can have a chicken farm to produce eggs and to compost by products of his sea food processing business. This 37-acre parcel seems the right place for him. He used to dump his by-product in the ocean, or it goes to farmers. Farmers love it. Chickens that eat seafood by-products make different, healthier eggs. He purchased this property on December 18th last year. Code Enforcement and DEP were at his property this morning. Mark King from DEP has been in contact with him about incorporating food waste from schools into his compost program. He knows he will have to come back to build a barn for the chickens.

Keith asked if any Board members had questions or comments. Jere Ross had no questions. Chris Baldinelli had no questions. Keith Emery states that his concern is for the odor from the shells.

Atchan Tamaki states that he will mix the shells with horse manure and wood chips and mix it with the existing soils as well. Keith Emery states that he should keep in mind that there is a subdivision near this property to the left and his concern is for odor for all those people.

Craig Lefebvre states that the application submission seems to be lacking information. They didn't provide an answer for section 10.17 fire protection. CEO McKenna stated that this application was forwarded to the Fire Dept. for comment. - Craig asked if they are working with DEP as this would likely require a permit from them as well and the application should be changed to reflect that where it asks if there are any other state permits required. Craig asks if there are any employees that will be working on this site. Atchan answered yes. Craig asks where will they park? The parking should be shown on the plan. Craig asked about the solar lights mentioned on the plan, asking if they are low lights or higher. They cannot shine outward onto other people's properties. Atchan stated the lights are higher. Atchan added that he currently lives in Portland but very soon he will be moving to this property.

Roger Tracy asks if this composting can contaminate the soils. He doesn't want to see any impact on the environment. He thinks a site walk would help the Board see what is shown on the plan.

Keith Emery states that this composting use is considered Extractive Industry because of the processing and mixing product.

Jere Ross asks if the composting will be done on a concrete pad. Atchan answered yes. Jere asked how much material he brings to the site. Atchan responded 1 pick-up truck load a week. Jere asked what type of seafood by-product is he proposing to compost here? Fish bones, lobster shells, urchin shells, shrimp shells, crab shells? Atchan responds that the majority will be urchin shells and maybe some crab shells.

Abutters were present and Keith Emery allowed them to speak at this time.

Jean Harmon from 90 Back Nippen Road spoke. She explained she lives a quarter of a mile away. She complained to code enforcement in the first week of February about a smell in the neighborhood. If it smells in February, what will it smell like in July. She is not sure how sea urchin odor can be controlled.

Karen Burrows from 70 Back Nippen Road spoke. She stated that in early February she came home to an awful smell, like something had died. She is concerned with the odor and also for the brook out back. Will this composting attract other animals such as rats? They were tracking the trucks coming in. They live right across the street; will they have lots of trucks coming and going with back-up beepers?

Keith Emery stated that if this is approved, they will have to comply with hours of operations. DEP will be working with the Town to tell us what to add for odor and the town will be doing a lot of research.

Jason Mazerolle of 63 Back Nippen Road spoke. The smell has been terrible. Earlier in this meeting the board was told the deliveries of shells were made by pick-up trucks. There were F550 dump trucks, not pick-up trucks. He believes this could attract coyotes and rats. He has horses next door. There is also a stream out back. If there are going to be solar lights shining into his property waking him up, he will not be happy with that.

Sarah Mazerolle of 63 Back Nippen Road spoke. She believes the odor is a nuisance to the community. The bacteria processes in composting in warmer weather will only increase the odor. There is a stream bordering this property. On the sketch plan provided, it appears that there are structures proposed for very near the stream if not over the stream. There are setback requirements for the stream. Have they considered erosion control for big rain events to keep the leachate from the compost from getting into the stream or water table? Will they provide stormwater treatment around the pad? Will the pad be covered? There is no scale to this map or grading plan. This map

does not indicate the existing grades of the property. Could this affect the groundwater? Is there any harmful leachate known to come from this compost? She is concerned for animal's safety with this possibly attracting coyotes and foxes.

Keith Emery stated that the town will get a report from DEP with some of these answers.

Craig Lefebvre states that he thinks before we take any action on this application, that we need more information. The plan needs more detail and needs to be to scale. We can't allow structures near or over the stream.

Roger Tracy states that after hearing these concerns the applicant needs to manage those and protect the land. There shouldn't be any run-off that could contaminate well water.

CEO McKenna reported that DEP and code enforcement visited the property today. The urchin shells that were already brought to the property will be required to be mixed with horse manure to mitigate the odor that has been created. Jere Ross asks if it smells now. CEO McKenna reported that it does smell. The Board asked about the roads being posted. CEO McKenna will look into that.

Jere Ross explained to Atchan Tamaki that in order to move forward with this application, the Board will need a more detailed plan to scale with dimensions and topography. Showing existing buildings, and the well on this property and abutting property at lot 48B-1 and 46A. The plan must be a bigger plan with accurate dimensions. They must respond to section 10.17.

Atchan Tamaki states that he will remove the shells as required by DEP. He understands the concerns of the neighbors.

CEO Report: CEO McKenna passed out the draft amendment to the Floodplain management ordinance in Section 14 of our ordinance. The State has adopted new flood maps that will be effective in July of this year. Town's are mandated to adopt changes to their local Floodplain management ordinances by July to be in compliance with the newly adopted guidelines. Failure to do so will lead to the town being dropped from the flood management program. Which would lead to people not being able to mortgage houses in the flood plain or get flood insurance. Jere Ross made the motion to add this proposed amendment to the public hearing scheduled for March 11. Craig Lefebvre seconded. The motion passed with a vote of 5-0 in favor.

Approval of Minutes: Craig Lefebvre made a motion to approve the minutes of January 22, 2024, as written. Chris Baldinelli seconded. The motion passed with a vote of 5-0 in favor.

Approval of Bills: There were no bills. Jere Ross stated that he has met with the Budget Committee.

Communications:

Other Business:

Keith asked the Board if they wanted to look at fire suppression requirements for subdivisions. He thinks if a subdivision is 3 lots, that fire suppression should be required for those. As it is now, requiring it for 5 lots. Do we want to include this as a change to our ordinance this year? The Board discussed it briefly and didn't come to a decision on that.

Jere Ross made the motion to hold a public hearing on proposed zoning changes on March 11, 2024, at 7 p.m.

CEO McKenna stated that the town was recently notified that the FEMA flood maps have been updated and that towns have to adopt flood plain management regulations to be consistent with state and federal regulations. If the town does not enact the required regulations the town will be suspended from participation in the flood insurance program. She is working on the changes and believes that we have time to get this done before the June town meeting and before the July deadline.

Attendees may address the board:

Jean Harmon spoke. She stated that 35 acres is not open farmland. Just because a use is listed as permitted in the ordinance, doesn't mean it belongs in a residential area.

Henry Huntly asks for feedback on the fire suppression requirements. Is the 30,000 gallons a suggestion from the Fire Dept. or is it required? CEO McKenna explains that due to the number of previous lots and proposed lots on this property, 30,000 gallons are required. Henry states that he is not in favor of tanks. They become the responsibility of the taxpayers and require maintenance and / or replacement at some point. Henry asked what is the cost of sprinkling homes now? Jere Ross stated that he just built a home that required sprinklers in a 1900 square foot home and the cost was about \$11-12,000

Can there be one 30,000-gallon tank or does it have to be 3, 10,000-gallon tanks. This all weighs on the affordability of homes in Buxton. The response was that it can be three 10,000-gallon tanks or one 30,000-gallon tank but must be within 1,000 feet of the homes.

Adjournment: Craig Lefebvre made the motion to adjourn the meeting at 8:15 p.m. Roger Tracy. The motion passed with a vote of 5-0 in favor.

Date Approved: 3-11-24

Signed: Keith Emery
Keith Emery, Chairman