

Town of Greenwood
Planning Board Meeting Minutes
Dec. 6, 2021
5:30pm – Greenwood Town Office

Item 1: Call meeting to order, Vice Chair Becky Secrest called the meeting to order at 5:30pm.

Item 2: Roll Call

Present:

Becky Secrest, Vice Chair

David Newcomb, Secretary

Matt Mitchell

Brad Payne

Joelle Corey, Codes Enforcement Officer

Absent:

Eva Mills, Chair

Tyler Bennett, last meeting

David motioned and Brad seconded to have Becky chair the meeting. Vote: 4-0.

Vice Chair Secrest introduced new member, Matt Mitchell to the Board.

Item 3: Review Minutes of Nov. 1, 2021

The Board reviewed the minutes. Brad motioned and David seconded to approve the minutes as presented. Vote: 3-0 with Matt abstaining as he is a new member.

Item 5: New Business

Vice Chair Secrest asked if it would be all right with everyone to move Item 5 up on the agenda as the driving conditions were getting worse and wanted to get Mr. Richard and Mr. Tyler on their way as soon as they could. All of the members agreed.

A. Jeff Richard, Site Plan Review, Metal Fabrication, 256 Main St. Map U01-033

Mr. Richard explained that he is leasing a portion of the mill from Earl Tyler to run a metal fabrication business. The Board reviewed Mr. Richard's application and map. Mr. Richard explained that he is leasing the back end – blue portion of the existing building. Property owner, Earl Tyler explained that the lease is for about 40% of the building. Mr. Richard explained that over time they have plans for adding office spaces. Mr. Tyler stated that he just submitted a septic system plan to Joelle and they will be installing this immediately so they can put in bathrooms. Vice Chair Secrest asked Joelle how this application is with our Shoreland Zoning Ordinance as this property is so close to the Alder River.

Codes Officer Joelle explained that the building can continue its manufacturing history. Joelle explained that the septic design was just turned in and she doesn't see any issue with a bathroom being installed. Joelle explained that she walked through the property two or three weeks ago and there are very few changes being made to any of the structure. Joelle explained that there is very little difference in operations. Matt asked what was done before. Joelle explained that it was a dowel mill – primarily working with wood. David asked what type of manufacturing is being done or if it was just cutting. Mr. Richard explained that they drill holes and put on clips. David asked if there was any brazing or welding. Mr. Richard stated that they will be welding. Mr. Richard stated that they have fire extinguishers and eye wash stations throughout the area. Matt asked if there was a bathroom facility in there before. Mr. Richard answered no, that they previously used rented porta toilets. Vice Chair Secrest stated that the bathroom facility will be new. The Board reviewed the updated map of the building. Vice Chair Secrest asked that the septic plan proposed is not encroaching on the water. Joelle explained that the septic designer's license doesn't allow him to design a system too close to the water. Mr. Richard stated that the system is going back towards the railroad tracks. Mr. Tyler stated that the system is 135' from the water. Matt asked if there was more space in that facility for other things and if the septic system is being sized for possible future growth. Mr. Tyler stated that it was designed for 8-10 people. Joelle stated that it is for 8 employees and 12 gallons per day. Joelle explained the other building on the other side of the lot has its own system. Mr. Richard stated that they would also like to install a sink in a future break room. Vice Chair Secrest stated that the Board all has a copy of a Site Plan Review application. Joelle explained that this is the only tool that the Town has to review this and get the applicant in front of us. Joelle explained that the space exists and has been used for manufacturing before. Joelle explained that there is no change of use now that Jeff's business model is what it is today versus what it was years ago.

Brad motioned and Matt seconded to approve the Site Plan Application as submitted for Jeff Richard. Vote: 4-0. Motion passes.

Mr. Tyler asked if anyone at the Board would like to come over and look at the property to just contact him. Vice Chair Secrest asked for their contact information so they could call and arrange for a future tour.

Item 4: Old Business

- A. Gary Freeland, 115 East Twitchell Pond Rd., U18-12
Build a 30' x 35' residence with 10' x 20' deck

Mr. Freeland has applied for an Administrative Appeal for the Planning Board's denial of this permit. According to the minutes of 11/01/2021, the Planning Board tabled the item and didn't vote to approve or deny. The Planning Board will revisit this item to get a vote on the record so that the Board of Appeals can schedule a meeting with Mr. Freeland.

Vice Chair Secrest stated that the Board tabled this item at their last meeting as we were under the impression that you would be returning with a different presentation and nothing new was submitted. Vice Chair Secrest stated that the Board has to officially deny your application according to section i of Chapter 1000 says: *For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.*

Vice Chair Secrest stated that because the Freeland's didn't meet the qualifications, we will deny your application so you can move forward with whatever steps you want to take.

Mr. Freeland asked if he could make a presentation. Vice Chair Secrest stated that he could. Mr. Freeland stated that he had a permit that was approved by the Planning Board in June of 2020. He explained that due to covid they were not going to be able to build in 2020. He stated that they inquired in August (2020) about an extension and didn't get one. Mr. Freeland explained that his permit expired in December (2020). He explained that April 2021 rolls around, they inquired again about applying for a permit, they were told to apply, one would be issued, but to wait to apply one month before we plan to start building, and to talk with the building contractor. Mr. Freeland stated that on August 5th, (2021) they reapplied and we were told that 29th of July (2021) is when the rules changed. Mr. Freeland stated that seems patently unfair to him as we had a permit and were in the process of reapplying, were told to wait, and we waited until the rules changed. Mr. Freeland asked if there is something that can be done about that sort of thing. Mr. Freeland stated that it is not like they came out of the blue and applied for this and new rules are in effect. Mr. Freeland stated that there should be some way to grandfather us in or something. Vice Chair Secrest stated that she would defer to Joelle as this is because of something very specific. Brad stated that this was something that the Board was doing wrong.

Joelle explained that when the State of Maine put forth Chapter 1000 Shoreland Zoning rules in 2015 all municipalities in Maine were given the option to go ahead and adopt those. Joelle stated that Towns are typically given a couple of years to comply with the State of Maine's new mandate. Joelle stated that this Board didn't feel like they wanted to impede folks' personal property rights and the Board waited until the very last second until we got a memo from the State of Maine saying we are not in compliance, slapping the Town's hand, and stating that we **will** comply with the new rules. Mr. Freeland asked if that was on July 29th of this year. Joelle stated it was. Mr. Freeland stated that his point was that he was in the process of reapplying in April (2021) and Joelle had told them to wait. Joelle explained to the best of her knowledge at the time she gave them very good advice. She explained this Board doesn't want to issue permits that are only good for six months if you are not ready to build as it is previously shown that nothing went ahead in 2020, so there was no point for you to apply until you were ready. Joelle stated that she gave them good advice but didn't know that the State of Maine was

going to come down and slap their hands on July 29th. Mr. Freeland stated that he sees what Joelle is saying but doesn't think she is listening to what he is saying. Mr. Freeland stated that he knows we have a tremendous amount of building going on up there but that doesn't mean everybody. Mr. Freeland stated that they live down in Connecticut and they didn't have the ability to come to Maine during Covid. Mr. Freeland stated that his contractor didn't want to build unless they were there and to not just put in the foundation and cover it over for the winter. Mr. Freeland stated that when their contractor told him that they decided they would wait to reapply in the Spring. Mr. Freeland stated that in the spring they inquired with Joelle about an extension and you told us to wait until you get closer to the expiration. Mr. Freeland stated that a lot of things happened between then and December and when we talked with you in April 2021 you said to just reapply when we were ready to build. Joelle stated that she thought she could do that and that he waited December to April to ask those questions when your permit ran out in December 2020. Joelle stated that Mr. Freeland waited until April to inquire what their next step was and I answered you that you would need to reapply as that was the rules in our Ordinance, and yes, she told him to wait until a month before they were ready to start building as she didn't know the State was going to slap our hands. Joelle stated that Mr. Freeland was not in the process of reapplying as he had not submitted anything. Mr. Freeland stated that the point is if Joelle hadn't told us to wait in April, we would have reapplied in April, and it would have been approved, correct. Joelle answered yes, correct. Mr. Freeland stated that he thinks some of this responsibility is on the Town. Joelle stated that she doesn't think so at all. Joelle stated that she also thinks Mr. Freeland could have built in 2020 but that is neither here or there. Mr. Freeland asked how can she sit there and tell him he could have built in 2020. Joelle stated that her building permits expanded exponentially in 2020 for all of her Towns. Mr. Freeland asked Joelle what she was basing that on- maybe the fact that I don't live in Town because he doesn't. Mr. Freeland stated that he lives in Connecticut and doesn't live in Maine and Joelle thinks he still should have been able to build during COVID pandemic – that this is untrue. Joelle stated that is Mr. Freeland's perspective. Mr. Freeland stated that is his perspective and he thinks the Board is being very unfair about this. Joelle told Mr. Freeland that we are following the rules and that is all the Town can do. Mr. Freeland questioned if we were following rules as Joelle was the one that told him to wait. Mr. Freeland stated that he missed it by five days.

Vice Chair Secrest stated that based on the plans that the Board reviewed and those plans did not meet what this Board has to abide by, she asked for a motion to deny this application and then Mr. Freeland can take the next steps. Vice Chair Secrest stated that there is a process to do that and then Mr. Freeland can plead his case at that point to that Board.

Mr. Freeland asked if he could say one more thing. Vice Chair Secret answered he could briefly. Mr. Freeland asked if the member in the red shirt could remove his mask so he can hear him, please. David and Vice Chair Secret explained that David hadn't said anything. Mr. Freeland stated he was about to ask David a question. Mr. Freeland asked David if he thought what happened was fair. David explained that based on all of the details he is hearing, the Board has no other choice. David explained that there is a process that Mr. Freeland can take to contest this decision. Mr. Freeland stated that it seems like we should be able to come to an equitable conclusion here based on this meeting. Mr. Freeland stated that Joelle is saying that these are the rules now and he understands that as of 29th of July. Mr. Freeland stated that the fact remains that he was talking to her in April.

Vice Chair Secret stated that Mr. Freeland may have been talking with Joelle in April but the Board didn't see anything until after the Board's hands were tied as to what the Board could say, do, or make exceptions for – we can't do that. Vice Chair Secret stated that they have to abide by the laws that they are given so that is what this Board is acting on. Vice Chair Secret stated that then Mr. Freeland can take whatever steps he wants and go thru the process. Vice Chair Secret stated that maybe the Board will get their hands slapped again and maybe not but based on what we have read and dealt with on this we are making the decision to deny your application based on the fact that it doesn't meet the Shoreland Zoning rules. Mr. Freeland stated that he would like each member of the Board to state that this is fair to him. Brad stated that is not about the matter of being fair, the board has no choice. Vice Chair Secret stated that what Mr. Freeland was asking was not part of a Board meeting and the Board will vote it up or vote it down. Mr. Freeland stated that if you think something isn't fair you don't vote it down. Mr. Freeland stated that he thinks his dealings with Joelle were very unfair.

David motioned and Brad seconded to deny Mr. Freeland's application as it does not meet the Shoreland Zoning regulation of the State of Maine, Department of Environmental Protection, Chapter 1000 – Section C, Non-Conforming Structures, (1) (C) (i)

- (c) *All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.*
- (i) *For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.*

Vote: 3-0. Matt abstained from voting as he is a new member. Motion passes. Application is denied.

Vice Chair Secrest stated that the Board had denied Mr. Freeland's application and he was free to take the next steps. Mr. Freeland asked if that was the thru the Appeals Board with the Town. Vice Chair Secrest answered yes.

Kim told Mr. Freeland that she would be in contact soon with a date for the Appeals Board Meeting. Mr. Freeland thanked everyone.

Item 6: Admin Issues - Vice Chair Secrest thanked Brad for serving on the Planning Board and also thanked Tyler as well. Kim stated that the Town appreciated all that Brad and Tyler had done for Greenwood over the year and they will both be missed. Becky asked if the Town could find one more person to join the Board as they are at 4 members now. Kim stated that they have been working on it. Joelle asked if the Selectmen would consider changing the bylaws as Newry did to allow for non-resident property owners to become Planning Board Members. Kim explained that the Selectmen were considering that.

Item 7: Adjourn - Having no further business, Brad motioned and David seconded to adjourn the meeting at 6:01pm. Vote: 4-0.