

**Town of Greenwood
Planning Board Meeting Minutes
Greenwood Town Office – 5:30pm
February 2, 2026**

Item 1: Call Meeting to Order

Roll Call:

John Kwoka, Chair

Cheri Thurston, Vice Chair

Andrew Baker, Secretary

Matt Mitchell, Alternate

Anne Kwoka, Code Enforcement Officer

Kim Sparks, Recording Secretary

Absent: David Newcomb

Sarah Wood

Statement from Chair Kwoka:

The Greenwood Planning Board is a volunteer board composed of members of the Greenwood community. The Board is charged with reviewing applications for development within the town and making decisions by applying the Town of Greenwood Land Use Ordinance and applicable State of Maine Statutes.

Applicants can expect efficient, fair, thoughtful, impartial decisions and respectful treatment by all members of the Board that are devoid of personal opinions, biases and philosophies in the decision-making process.

Before the meeting, does any Board member have a conflict of interest, personal or financial interest, or a potential bias to anything on tonight's agenda? Such a conflict would prevent them from participating in this matter in an impartial and objective manner. If so, please disclose it now, recuse yourself from discussions and voting, and step down from the table when we get to that agenda item.

Item 2: Consider Minutes of January 5, 2026

The Board reviewed the minutes. Member Baker motioned and Member Thurston seconded to accept the minutes as presented. Vote: 3-0. Minutes are accepted.

Item 3: Old Business

A. Michael Magner, 190 Howe Hill Road

Section 2 E of the Greenwood Land Use and Building Code Ordinance as follows:

E. Commercial/Industrial. Shall mean buildings, which are used, for sales, manufacturing, storage, service, warehousing or other related purposes. It also includes apartment building on more than two (2) units.

Chair Kwoka stated that he didn't have any application package from Mr. Wagner in front of him. Chair Kwoka asked if Mr. Wagner was presenting a new package to the Planning Board tonight. Mr. Wagner stated that he wasn't presenting a package tonight but was attending because Kim had asked him to. Kim stated that we need it stated in the record as to why he hasn't brought in documents from a previous application that he discussed and said he would supply the Planning Board. Kim explained that Mr. Wagner stated he would drop off a plan the next day after that meeting and we haven't received anything.

Chair Kwoka asked if he would be pursuing a new application for 190 Howe Hill Road. Mr. Wagner stated that he certainly isn't opposed to that. Mr. Wagner stated in full disclosure he presented a bunch of facts to Kim, and she said she would circulate to the Planning Board and Select Board as well showing that he had shut down the business at 190 Howe Hill and was going on with that. Mr. Wagner stated that he was under the impression that you guys were reviewing or digesting those in some way, shape, or form. Mr. Wagner stated he guessed he was waiting for information from the Board on how you guys would like him to proceed. Mr. Wagner stated that his last email was just kind of that he would like to appeal the fact there is business or no business running there and present you all of the facts, you know, submit bank statements, credit card statements, and the notices from the state, employment, all that type of thing. Mr. Wagner stated that he wanted to give us the supporting facts and see where we were at. Mr. Wagner stated that the Town wants him to go in one direction or another, and he is happy to do it. Mr. Wagner stated that he was under the impression that he was going to get some indication. Mr. Wagner stated that the Planning Board does understand there's some kind of issue going on at 190 Howe Hill Road, but it is now out of the hands of the Planning Board, so we have nothing to do.

Chair Kwoka stated that anything with the Town of Greenwood, with either the Code Enforcement Officer, the Town Manager, or the Select Board, the Planning Board doesn't have anything to do with those next steps. Chair Kwoka explained that the Appeal process doesn't fall under the Planning Board. Mr. Wagner asked the Board what he was supposed to do next.

Chair Kwoka stated that the Town Manager and Codes Officer will tell what your path forward is but as far as the Planning Board we're done until we see another application. Member Baker stated that the Town's going to have a lawsuit against you is what's going on. Member Baker stated he didn't know if Mr. Wagner knew that but that is what the big elephant is. Member Baker asked them what the lawsuit was for. Chair Kwoka explained to Member Baker that Mr. Wagner didn't fall under the Planning Board purview.

Chair Kwoka explained to Mr. Magner that the Board does have copies of the emails that he sent to Kim and the Selectmen do as well that show that Mr. Magner was dissolving C & C Excavation. Mr. Magner asked if he was supposed to just wait.

Codes Officer Kwoka stated that she understands that the sales aspect of the business has shut down but referred to section of the Greenwood Land Use Code and Building Ordinance which deals with this, that would be section 2E of the Land Use Ordinance, is that commercial and industrial properties are defined as, shall mean buildings which are used for sales , manufacturing, storage, service, warehousing , or other related purposes. It also includes an apartment building with more than two units. Codes Officer Kwoka stated that she understands that the sales portion of your business has gone away, but what about these other components, the storage, the warehousing etc. Mr. Magner stated that any remaining assets would be personally owned by him above and beyond the items that he was trying to sell. All that I will have there are items that I personally own at this point.

Codes Officer Kwoka stated that she didn't know how we're going to address that, because typically someone storing vehicles, a camper, storage containers, is doing so on their home property they get a permit for a garage or a storage container, whatever. She stated that because your property is storage, but you don't live there, I feel like it might not qualify. Mr. Magner stated that he didn't know. Codes Officer Kwoka stated that at this point she thinks it is going to require legal interpretation. She stated that because there are storage and warehousing being done there, and even if it is your personal property, how that pertains to the language in the ordinance, it's not my call to make. Mr. Magner stated that he wasn't a real estate attorney, but thinks that that is... Is there like an open dialogue that could be had with whoever is the person, or is it just like a legal lawsuit, like lawyers and everything, back and forth at that point? Or is there any type of, I guess, trying to find a good solution for all parties? Chair Kwoka stated that he couldn't answer that and that he would be at the select board level at this point in time.

Chair Kwoka asked if Member Thurston had any questions. Member Thurston stated that if a business shuts down it is still a commercial property it doesn't automatically become a residential property She questioned whether the income is secondary to this conversation. She stated if the property was never recognized as a commercial property, how could it have changed to commercial. Chair Kwoka stated that the property is not recognized as anything right now.

Mr. Magner asked if it was recommended that he try to schedule a time to meet with the Selectmen. Chair Kwoka stated that he believes Mr. Magner can get on the Selectmen's Meeting agenda.

Chair Kwoka asked if Mr. Magner is not submitting a Site Plan application, then the Board has nothing to review. Mr. Magner stated that it's not that he is unwilling and he was under the impression that he was appealing to this and sent along supporting documents. Codes Officer Kwoka stated that the

problem the Town is facing right now is that the notice of violation gave you a 30-day period to appeal anything in the notice of violation. Codes Officer Kwoka stated that Mr. Magner contacted us on the 24th and said he wanted to appeal some of the facts. Codes Officer Kwoka stated that she got back to Mr. Magner that he needed to go to an Appeal's Board meeting, so she sent an email to Mr. Magner about scheduling a meeting. Mr. Magner stated that he is an out-of-state resident, and he runs a pizzeria and the holidays are his busiest time. Mr. Magner stated that he did see the earlier email to schedule a meeting, but he was not able to make those dates as he was unavailable. Mr. Magner stated that he was here to do what the Board wants.

Codes Officer Kwoka stated that on Wednesday, November 26th, she sent Mr. Magner this email: I said, hi, Mike. I've conferred with Kim. Given that you'd like to appeal the facts of the NOV, we should proceed under section 3 of the notice of violation and set you up to appear before the appeals board as soon as possible. They're much more flexible to schedule as well. Is there a date, time, in mid-December, which works for you? That would at least settle the facts, and we can proceed as indicated by email.

Mr. Magner stated that email was after he had told Anne twice that he wasn't available in December. Codes Officer Kwoka stated that she didn't know that it specifically said December, but she did close by saying, please give us a couple of dates for an evening meeting in the weeks before Christmas, and you can make that happen. Codes Officer Kwoka stated that she did not get a response to that email until the 30-day appeal period had elapsed. Codes Officer Kwoka stated the 30-day appeal period has elapsed or otherwise, you go before the appeals board and have a conversation with them, and they would have been in a position to help you with it. Codes Officer Kwoka stated at this point, we don't know what's going to happen, because it's in that legal lawyer selectman, board of selectmen sphere.

Mr. Magner stated that he isn't currently running a business at 190 Howe Hill Road and questioned if he had to submit a Commercial Site Plan application and will it get approved for non-commercial use. Officer Kwoka explained that it has never changed from residential and questions even with the business moved. Given the storage and everything that is going on there, there is that commercial property and that is a legal issue that we will have to talk to our Attorney about. Member Baker stated that the Town approved the garage permit thinking that it would store something so this seems a little weird. Mr. Magner stated that his neighbor is two doors down, Lenny, who has the same stuff, commercial equipment and campers that is allowed. Codes Officer Kwoka questioned if it changes from a commercial business to a home-based business if you're residing at the property.

Mr. Magner asked if he were to reside at 190 Howe Hill Road – that would be ok. Codes Officer Kwoka stated that it would have to become your legal address and you'd have to have a residence there and it would clearly be a residential property with a home-based business.

Codes Officer Kwoka stated that there are some restrictions in the code about home-based business. Mr. Wagner asked if he were to build a new home for himself, it would be his legal residence, would the town view the lot right now to be in compliance....similar to the next-door neighbor.

Codes Officer Kwoka answered that the Ordinance says that home-based businesses in the home occupation are incidental and secondary to the primary residential use of the premises. She explained that it does not employ persons who do not make the residence their permanent home – so the only the employees can be residents of the home. Codes Officer Kwoka explained that the home-based business does not generate any nuisance, waste, discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, excessive light, radiation, fumes, or electrical interference, which interferes with normal TV or radio reception and causes other nuisances which extend beyond the limits of the subject property. She stated that they are not likely to generate regular daily or seasonal traffic not associated with residential uses and there are several criteria here that would have to be met.

Mr. Wagner stated that he honestly feels bad because he would have come with something if he had known. Mr. Wagner stated that he wished he had known a little bit ahead of time on that, and, you know, I'll take full responsibility, I guess, and try to get you what you guys need. Codes Officer Kwoka stated that she would reach out for clarification from the town Attorney and get back to Mr. Wagner to discuss it.

Item 4: New Business - None

Item 5: Admin Issues

- A. Request from Member Mitchell and Member Newcomb to have Codes Officer look at Tourangeau property at 20 Point Lane to determine if new addition was built to plans that were approved by Planning Board on 09/09/2024.
- B. Next meeting, Monday, March 2, 2026, at 5:30pm

Item 6: Adjourn - Having no further business, Member Baker motioned and Vice Chair Thurston seconded to adjourn the meeting at 6:38pm. Vote: 3-0. Meeting is adjourned.