

**Town of Greenwood
Planning Board Meeting Minutes
Greenwood Town Office – 5:30pm
May 5, 2025**

Item 1: Call Meeting to Order – Chair Mitchell called the meeting to order at 5:30pm.

Roll Call:

Matt Mitchell, Chair

John Kwoka, Vice Chair

David Newcomb

Sarah Wood

Anne Kwoka, Code Enforcement Officer

Kim Sparks, Recording Secretary

Absent:

Andrew Baker, Secretary

Item 2: Consider minutes of March 3, 2025

The Board reviewed the minutes.

Chair Mitchell asked if Kim could look at Item 4, C. as there seems to be a run-on sentence. Kim stated that she would get that fixed.

David motioned and Sarah seconded to approve the minutes as amended. Vote:
4-0. Motion passes.

Item 3: Old Business - None

Item 4: New Business

- A. 190 Howe Hill Road, Preliminary Site Plan Review
Michael Magner, U08-003

Chair Mitchell asked if Mr. Magner has had a chance to review the Site Plan Review Ordinance. Mr. Magner asked if that was part of the application. Chair Mitchell stated that there is a Site Plan Review Ordinance, and it doesn't sound like Mr. Magner had reviewed it. Mr. Magner answered no.

Chair Mitchell stated that he would like to go through a few points from the Site Plan Ordinance, hopefully this will be helpful to Mr. Magner, and won't be going through the whole Ordinance.

Chair Mitchell stated that there are several steps to go through this, and it is much more involved than applying for a building permit. Chair Mitchell stated that Mr. Magner could find all the ordinances on the Town website. Chair Mitchell stated that the ordinance explains all the types of meetings that are required for the Site Plan review and that tonight's meeting is the Preliminary Site Plan Review meeting. Chair Mitchell read from the Site Plan Ordinance:

Pre-Application Meeting

- A. *Prior to submitting an application for a project, the applicant or the applicants authorized agent shall appear informally at a regular or special meeting of the Board to discuss the proposed project.*

The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

- B. *The applicant or applicants authorized agent shall present to the Board, at this time for informal review and comment, a sketch plan of the proposed project. The sketch plan shall consist of a rough outline of the proposed project and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, parking areas, and other features which may aid the Board to understand the project.*
- C. *The Board may request that the applicant arrange for an inspection of the site with the Board, or an individual appointed by the Board Chairman to act as the Boards representative.*
- D. *No binding commitments shall be made between the applicant and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.*

Chair Mitchell asked if Mr. Magner could submit a sketch showing his proposed project, then the Board could schedule a site visit to understand the project better. Chair Mitchell explained that this would be all that would be worked on at tonight's meeting.

Chair Mitchell explained that there will be more requirements to get a completed application submitted at a future meeting. Chair Mitchell read from the Site Plan review Ordinance:

Site Plan Review Application Requirements

- A. *Applications for Site Plan Review approval shall be submitted on application forms provided by the town. Ten copies of the completed application form, required plans, and related information shall be submitted to the Town Office no less than fourteen (14) days prior to the Board's regular scheduled meeting. The Board shall forward copies to the Board of Selectmen, Fire Chief and Road Commissioner for review and comment.*
- B. *Upon receipt of the application the Board shall send written notice by Certified Mail to all owners of property within 500 feet of the boundaries of the project site, including those across a road or street. In addition, the Board shall cause notice of the date, time and place of the meeting to discuss the project to be published in a newspaper of general circulation in Greenwood at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the meeting.*

Chair Mitchell stated that there is a lengthy list of items that are needed with the application. He explained that he wouldn't be going through each item tonight due to the time it would take. He explained that once these items are submitted, the Board has 30 days to review and then determine if the application is complete. He stated at that point the Board would decide whether to have a public hearing. He explained that there are specific items that the Town would need to do in preparation for a public hearing that would also take some time. Chair Mitchell read from the Site Plan Review Ordinance:

Board Action

Within thirty (30) days following the public hearing or sixty (60) days of the determination of a complete application, the Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Board and the applicant.

Chair Mitchell stated that potentially it is a several month process to get approval. Chair Mitchell stated that he wanted to make sure that Mr. Magner understood that this was a lengthy process and that no approvals would be happening tonight. Chair Mitchell asked if Mr. Magner could just give the Board a description of what the project is.

Mr. Magner stated that he would like to use 190 Howe Hill Road for C & C Excavation and allow them to run their operation on the property as that is his primary goal. Mr. Magner stated that he has been through this process in other Towns. Mr. Magner stated that he has a few things on his application that he was thinking about and would like some feedback and to see what the process would be. Mr. Magner asked if he would be allowed to do more than just have C&C Excavation there. Mr. Magner stated that since the last time he was here at a meeting, he has acquired five more additional acres, so he now has a 6-acre parcel there. Mr. Magner stated that he has conducted a survey by Main-Land Development that he would be willing to share with the Board. Chair Mitchell stated that it would be helpful. Chair Mitchell stated it would be helpful to have a sketch before the Board does a site visit so the Board can see where things are going to be operating from. Chair Mitchell explained that it would be helpful for the Board to see if there are any streams or wetlands on the property so they can determine those setbacks. Mr. Magner stated that he could draft a site map, that there is a stream down in one corner of the property that they are aware of. Chair Mitchell stated that initially hand sketching is fine to get the Board's feedback, but more substantial items would be needed with the application. Mr. Magner asked if he would need an engineer. Chair Mitchell stated that it could be needed but Mr. Magner needs to read through the Site Plan Review Ordinance and based on what he does for a project he will determine what is needed. Mr. Magner stated ok.

Mr. Magner stated that he had his Attorney look this over and his Attorney told him that because he only has two full-time employees, he was thinking about building his personal residence there, and per his Attorney

he wouldn't need any site plan review. Mr. Wagner stated that he was thinking about doing that, that would be another option for him, and he wanted to throw that out there. Chair Mitchell answered that was generally a no. Mr. Wagner stated that with only two employees and have this be his primary residence, his Attorney said he wouldn't need a Site Plan Review under the code. Chair Mitchell stated that there is no zoning in Greenwood so one can have a residential structure next to a commercial structure. Chair Mitchell stated that it gets a bit convoluted here as you will have another business operating there. Mr. Wagner asked which one. Chair Mitchell answered C & C Excavation. Mr. Wagner stated that he owns C & C Excavation. Mr. Wagner stated that he isn't an Attorney, so he doesn't know. Mr. Wagner stated that his Attorney says that it is his business operating on his property with two full-time employees with his residence he would then be exempt from Site Plan Review. Mr. Wagner stated if the Town's Attorney says something different then we could discuss it. Chair Mitchell stated that all of that information is helpful. Mr. Wagner stated that he just wanted to throw that out there at this meeting. Chair Mitchell stated the information is beneficial for the Board to understand the project.

Chair Mitchell asked if any of the Board members have any questions. John stated that this new development threw him for a minute. Chair Mitchell stated that he thinks it would be helpful to take a walk over there. Mr. Wagner stated to feel free to visit the property. Chair Mitchell stated it would be helpful if Mr. Wagner could put together a sketch of the project, get the sketch to Kim, Kim would get the sketch to the Board, and then work on getting a site visit scheduled. Mr. Wagner stated that they could schedule the dates right now and he will drop off a sketch tomorrow. Chair Mitchell stated that let them get the sketch and then they will schedule a visit. Chair Mitchell stated that we have a member who is absent tonight, and we would like to get his input on the date. Chair Mitchell asked Mr. Wagner if there were certain days/times that would work better for him. Mr. Wagner stated that Tuesday through Thursday worked well for him. Chair Mitchell stated that he couldn't do anything until the first of next week.

Mr. Wagner asked if we would be doing any research in the meantime before you did an onsite walk or anything else based on whether I was going to build a single-family home with me moving on the property, right? Chair Mitchell asked Mr. Wagner to look at what is required in the Ordinance, and you are moving things as to what your plans are. Mr. Wagner stated that he is just trying to find out a little bit of information so he can make the best decision for him. Chair Mitchell stated that Mr. Wagner needs to review the Site Plan Review Ordinance to determine what is needed based on his project. Mr. Wagner stated that what about the exemption of the Site Plan and he would like to know if he falls under that, and then he wouldn't have to do the site walk or anything. Chair Mitchell asked if he has a business operating on that property and C & C Excavation is his business. Mr. Wagner answered yes but if you have two full-time employees and a single-family residence and you are the owner of the company then you are exempt from the Site Plan Review Ordinance. Mr. Wagner stated that is what he is asking. Codes Officer Kwoka stated that he would have to meet the specifics of a home-based business, and she doesn't believe that C & C Excavation would meet the definition of a home-based business in the ordinance. Chair Mitchell asked if there was verbiage in the ordinance. Codes Officer Kwoka answered yes. Chair Mitchell asked Mr. Wagner

could research that. Mr. Magner answered ok. Chair Mitchell stated that the ordinance was online. Mr. Magner answered ok. Chair Mitchell stated to Mr. Magner's point that there are home businesses and there are requirements to meet that, and Mr. Magner might find that he doesn't meet that. Mr. Magner asked if this was the same standard for everyone. Chair Mitchell answered yes. Mr. Magner asked if anyone was running a business in Greenwood they would have to have a Site Plan Review. Mr. Magner asked if the other businesses on Howe Hill Road have had Site Plan Reviews. Chair Mitchell stated that he hasn't been on the Board that long so he can't speak to that, and he doesn't appreciate this as we are here tonight to work on Mr. Magner's project. Mr. Magner stated that he wants to make sure it is of the same standard for everyone.

David stated that he would guess and then he could clarify that this is the first time that a business pre-exists and then a residence is put on to change it. David explained that normally you would start a business in your home and that is when the exemption would come in. Mr. Magner stated that he has a septic plan and original building permit as we were originally just going to put a mobile home on the land to get us started. Mr. Magner stated that he does have a paper trail showing that. David asked if Mr. Magner has built anything yet. Mr. Magner stated that he hasn't built anything yet. David stated that they had installed a pad. Mr. Magner stated that he hasn't built anything there yet and hasn't built any business there yet. David asked if there was a business operating there now. Mr. Magner stated that he didn't believe so. John asked if there was a firewood business on the property. Mr. Magner asked if they were not allowed to sell firewood. John stated that there is a sign on the telephone pole on the property that says Firewood. Codes Officer Kwoka stated that it meets the definition of a commercial property. Mr. Magner stated that he would take down the firewood sign. Chair Mitchell stated that he is not going to go into negotiation on that stuff with Mr. Magner. Mr. Magner stated that he is just asking a question and doesn't know why they are being hostile to him. Codes Office Kwoka stated that if they are selling a product for a profit on your property that meets the definition of a commercial business in Greenwood Maine and commercial businesses are required to go through Site Plan Review process. Mr. Magner answered ok and stated if he was no longer to sell firewood there, he wouldn't have to go through the Site Plan Review. Codes Officer Kwoka stated that it depends on whatever else you do there. Mr. Magner stated all right and that he just wanted to collect the information. Codes Officer Kwoka stated that as long as he is advertising services out of that address you are in fact operating a business out of that address. Mr. Magner stated ok and that the Codes Officer wasn't at the last meeting, and he thinks the confusion was on their Facebook page as that is where he gets all of his mail and uses that address everywhere. Codes Officer Kwoka stated that this is also the location of all of the commercial equipment.

Chairman Mitchell asked if there were any other questions. Codes Officer Kwoka stated that she has one question regarding the issues with the containers on the property. She explained that she had written Michael back in January that those were considered sheds in Greenwood and that they would require a building permit and one of them at that time clearly didn't

meet the setback requirements from the road but then winter conditions kicked in and it couldn't be moved so the Town let it go for the time being. She explained that at this point, Mr. Magner has submitted a building permit application for both. She stated that she would like to issue a building permit for both with the condition that one of them is moved the correct distance away from the road. She stated that per the Ordinance she is not able to issue this as Mr. Magner is going through the Site Plan. Chair Mitchell stated that Mr. Magner hasn't submitted an application with documents as this is just a preliminary, informative meeting. Codes Officer Kwoka stated that she would be able to issue the permit for the containers once that one is moved to meet the setbacks. Mr. Magner stated that they moved the container this afternoon and sent pictures. Chair Mitchell asked if there were any other questions. No other questions were asked.

Item 5: Admin Issues

David thought they had moved the meeting start time to 5:00pm. Kim stated that we had moved the start time to 5:00pm during the November to April months with one meeting per month and then back to 5:30pm when we had two meetings per month May to October. David stated that he did remember that now.

Item 6: Adjourn – Having no further business, David motioned, and Sarah seconded to adjourn the meeting at 6:10pm. Vote: 4-0. Meeting is adjourned.