

**Town of Greenwood
Planning Board Meeting Minutes
Greenwood Town Office
November 4, 2024**

Item 1: Call Meeting to Order - 5:30pm

Chair Mitchell called the meeting to order at 5:30pm.

Present:

Matt Mitchell, Chair

John Kwoka, Vice Chair

Andrew Baker, Secretary

David Newcomb

Kim Sparks, Recording Secretary

Guests: Nick Bartlett, Michael Magner & Crew, Michelle Purington, Nate Bellanceau, Carl Roberts, and Annie Roberts.

Item 2: Consider minutes of October 7, 2024

The Board reviewed the minutes. David motioned and John seconded to approve the minutes as presented. Vote: 4-0. Minutes are approved.

Item 3: Old Business

A. Nick Bartlett

Map U01- Lot 27, 28, 29

Corner of Main St. and Bird Hill Road

Preliminary Site Plan Review discussion

Nick was present to submit a Site Plan application and checklist for the Board to review for him to install a parking lot on his property. Nick stated that he checked off the items that he thought would be needed. Nick explained that he would like to know what else he will be required to submit so he can prepare. Nick explained that he has the winter to work on this paperwork and would like to start the project in the Spring. Chair Mitchell thanked Nick for this and stated that the Board would review and discuss if there are other items needed at their December 2nd meeting.

Item 4: New Business

A. C & C Excavation LLC,

Michael Magner, owner of 190 Howe Hill Road

Map U08-003

190 Howe Hill Road

Chair Mitchell asked if Mr. Magner could explain to the Board what this project is about. Chair Mitchell explained that the Board received and

approved an application for a 30' x 50' steel building. Chair Mitchell stated that they have received communication from abutters and the Board would like to better understand the project.

Mr. Magner stated that he has owned the land for a year or two now and he recently put in a permit to do a building that is roughly 30' x 60' give or take. Mr. Magner stated that this is basically a garage and storage space for him personally right now. Mr. Magner stated that he knows that questions have been asked if he is going to run a business out of there and he wants to communicate to everyone that is not what they are doing right now. Mr. Magner stated, as a business, C & C Excavation only owns one F450 pickup truck and that pickup truck goes home with Fabian every night to Rumford. Mr. Magner stated that basically that is the footprint of C & C. Mr. Magner stated that he does a ton of real estate development work up here with a couple of my buddies and we do have quite a bit of stuff. Mr. Magner stated that he has a lot of stuff in her personal driveway up at his property at Mt. Abram. Mr. Magner explained that this property was to get some relief from that, it could be used as a space to fix things from his property up at Sunday River. Mr. Magner stated that it truly a spot that he owns personally, that he will build, and has hired C & C to do some of the work, and beyond that it is a personal spot right now and not intended as a place of business. Mr. Magner stated that down the road, if something like that was to happen if he was to rent the space, he would be happy to come before the Board and talk about that. Mr. Magner stated that as of right now it is a personal project. Mr. Magner stated that the only thing that C & C is really involved in is 1. They use it as a mailing address, 2. Mr. Magner uses it as a mailing address.

Chair Mitchell asked what kind of activity will be coming and going and he is just trying to understand the impact on the neighborhood. Mr. Magner stated that he is going to have his snowmobile trailers parked there as he is in hopes to go snowmobiling this season with his family and friends. Mr. Magner stated that he lives on Rocky Lane up on Mt. Abram so he will probably be there on a daily basis. Mr. Magner stated that he is going to use his property every which way that he can as it is something that he owns. Chair Mitchell asked if Mr. Magner was full-time on Rocky Lane. Mr. Magner answered yes and that he does still have some work in Massachusetts and that five days a week he is here. Chair Mitchell asked if the Board had any questions.

John stated that he sees that the building pad has been installed and asked if that is where he is going to store excavators. Mr. Magner stated that it would be a wasted space for an excavator and his thought would be more for snowmobiles and that kind of thing, maybe tools and equipment that can't be outside. Mr. Magner stated to also have a place if things break down or maybe do some sanding or poly work. Mr. Magner stated that this could be used for when they have projects and a place to work inside.

Chair Mitchell asked if Mr. Magner could see any commercial work going on there in the future. Mr. Magner answered no that this is the intention, and he would love to have a crystal ball. Mr. Magner stated that this is the footprint

of C & C, but they only have one pickup truck right now that travels from Rumford to Bethel every day. Mr. Magner stated that this is just his personal lot, that there is no intention of starting a business there at this time.

John asked if there is going to be a well or septic system installed. Mr. Magner stated that being in the excavation business, he will probably lean towards installing a dug well at some point. Mr. Magner stated that he had Main-Land come do a septic design, an HHE200. Mr. Magner stated that he just got the foundation poured and will be working on getting a couple of the walls put up and getting it weather tight.

Chair Mitchell stated that any of that future work, Mr. Magner would need to come back to the Town. Mr. Magner stated that he is aware that he would need to put in an application to the Town for the septic system. John asked if the only utility on the site electricity is. Mr. Magner answered yes and explained that the electricity was already on site when he purchased the property.

Mr. Magner stated that he is new to understanding the commercial aspects of Greenwood. Mr. Magner asked if hypothetically down the road that he decided to rent the space to C & C Excavation what would the process be and are there any different rules that he should be aware of.

Chair Mitchell explained that if you have something that is a change of use or if you had a commercial use that would push it into a Site Plan Review. Chair Mitchell explained that the Site Plan Review has a checklist and explained that some of the items on the checklist are applicable and some are not depending on the project. Chair Mitchell explained that the Board would deem what is required on the checklist and those items would need to be addressed. Mr. Magner asked what time was wise. Chair Mitchell stated that the Board really tries its best to get things through as they understand that reason why they are putting the business in is to get something done. Chair Mitchell stated that the Site Plan Review is a more involved process with a preliminary plan and then once the final plan is submitted it is a 30-day review time for the Board. Mr. Magner stated that it sounds like maybe a 45–60-day process. Chair Mitchell stated that it will also depend on when the Board receives the information as the Board only meets once per month from October to April. Chair Mitchell stated that the Board requires that information be submitted at least 10 days before their meeting to give the Board time to review the documents before their meeting. Chair Mitchell explained that there are items on the list that would take an applicant's time to complete. Chair Mitchell explained that there could be impacts to a neighborhood when it is commercial vs. residential. Chair Mitchell stated that if you had a business with two operating shifts there would be noise requirements to be looked at and asked Mr. Magner if that was understandable. Mr. Magner answered yes.

Carl Roberts, Greenwood resident on Howe Hill Road asked if he could ask a question. Chair Mitchell stated that this is not a public hearing and asked if Mr. Roberts would like to submit his questions to the Board. Mr. Roberts stated that this should be a public meeting as they all live there, and we are all

impacted by this. Chair Mitchell stated that Mr. Roberts could make a comment, and the Board might just table it. Mr. Roberts stated go ahead. Mr. Roberts stated that is a residential area and if it is going to be commercial that needs to be considered. Mr. Roberts stated that residential and commercial being near each other - especially with her (Michelle Purington) who lives right there and its in her back yard. Mr. Roberts stated that it is going to make her life miserable and will impact her property value as no one is going to want to buy her property with all of that noise banging from the machinery. Chair

Mitchell thanked Mr. Roberts and stated that this is not a public hearing. Annie Roberts asked when it would be that kind of meeting. Chair Mitchell explained that if there is a project that is deemed a Commercial Project, part of that process would include notification to abutters of a public hearing. Chair Mitchell stated that the intent of this meeting was to determine the scope of the project.

Nate Bellanceau, abutter to the project stated that it sounds like they have plans for a commercial project and thinks the Board should look at this from the beginning. Chair Mitchell stated for clarification there is no zoning, Greenwood has no zoning so any location can be residential or commercial. Mr. Roberts asked what he means by no zoning and if that means he can go and cut whatever he wants next to the brook. Chair Mitchell stated that there are ordinances that guide what you can and can't do. Chair Mitchell stated that there are ordinances in Town but there isn't an ordinance that designates specific activities in specified areas. Chair Mitchell asked Mr. Roberts if he understood that. Mr. Roberts answered not as with everything he gets told from the prior Codes Officer. Mr. Roberts stated that he inquired about having a campground and was told that he had to put up privacy fences in his yard so he canned the idea. Chair Mitchell stated that a campground would go under the site plan review process and depending on the project it would require depended on the review process.

Chair Mitchell stated that the Board is trying to determine if this is a commercial project and Mr. Magner is saying that it is not commercial. Mr. Roberts stated that not at this moment but with all the intentions it is going to be. Mr. Roberts stated that this was a joke. Chair Mitchell thanked Mr. Roberts for attending. Chair Mitchell stated that if this project goes commercial they will go through the Site Plan Review Process.

Chair Mitchell stated that the abutters are here tonight second guessing if this is a commercial project. Mr. Magner stated that he totally understands, that he owns a lot of property in Oxford County, that he has gone thru this a few times, he understands that this is a sanctuary, but is a big proponent of land owner rights and if you own the land, you don't have zoning, you should be able to do what I am allowed to do. Mr. Magner stated that he should be able to build a private garage and keep his privately owned stuff there. Mr. Magner stated that there is nothing on the deed that says C & C, nor does C & C writing any checks or any other of his businesses. Mr. Magner stated that he is happy to show up tonight and tell you honestly what is happening but to be bullied into it that it is commercial because you have heard from the peanut gallery. Chair

Mitchell stated that's not the place for that. Mr. Magner stated that he should be able to respond.

David stated that there is an ad that advertises C & C Excavation at that location listing these commercial services. Mr. Magner stated that this is their mailing address. David listed off the services that were in the ad for C & C Excavation: site work packages, foundation holes, land clearing, building demo, driveways, septic installs & repairs, dug wells, tree work, firewood, plowing, sanding, dump truck service etc. at 190 Howe Hill Road. Mr. Magner stated that is their mailing address and asked if the Board would feel more comfortable if they put a PO Box for an address and that would cost him more money. David stated that this make it look like it is for commercial use and that is why people are upset in the neighborhood. Mr. Magner stated that he never had the opportunity to own a place that could receive mail and he doesn't think that it is right for them to force him to have to get a P O Box or he could change their ad to read mail only at 190 Howe Hill Road. David explained that it appears in the ad that their business location is 190 Howe Hill Road. Chair Mitchell stated that if he sent a letter to that company to that address where would that go. Mr. Magner stated it would depend what address you put on it. Chair Mitchell asked if he was to send a letter to C & C Excavation where would he send it to. Mr. Magner stated that he would send it to his mailing address. David asked if Mr. Magner was saying that the mailing address and the business address are one in the same. Mr. Magner stated that he is not saying that, that the Board is saying that. David stated that Mr. Magner stated that he is getting his personal mail sent there. Mr. Magner stated that he gets personal mail sent there and business mail sent there. Mr. Magner stated that he didn't realize there was an ordinance against business mail being delivered. David stated that there is no ordinance, that its just confusing to us and your neighbors. Mr. Magner asked if the Board would prefer, he removed that address from the ad as he is trying to be reasonable. David stated that it's because Mr. Magner is advertising that business as being at that location and he sees advertising and mailing as two different things. Mr. Magner stated that that he would look into it today if he could distinguish a location address from a mailing address. David stated that it is the advertising piece vs. the mailing. Mr. Magner asked if it was advertising. David answered yes.

Andrew stated that the important part is that you have voiced your intentions and if that changes you need to come before the Board. Mr. Magner stated that is understood. John stated that Mr. Magner's plan is to store your trailers for your snow machines and a place to store your personal stuff. Chair Mitchell stated that they are trying to understand the use of the property so if there is a change we will understand what that change is. John stated that the Board is trying to help Mr. Magner and trying to avoid questions like why we didn't tell you this sixth months ago. John explained that the Board isn't trying to pick on him, that they are just trying to understand what the current use is. Mr. Magner stated that he does appreciate that. Mr. Magner stated that he personally owns a piece of land, funded it personally, and he applied to build a building for his personal use, that he didn't check the box that it was commercial. Mr. Magner stated that Kim contacted him, so he was happy to

show up and explain. Mr. Magner stated that if and when it becomes a big, vibrant business he will return. Mr. Mitchell stated that it doesn't have to be a vibrant business. Mr. Magner stated that in the future if the boys want to lease

the property, he would be glad to come before the Board for a review. John stated that the 30' x 50' building is Mr. Magner's storage shed. Mr. Magner answered yes. Mr. Magner explained that he has eight short-term rentals in this area and a real estate business in the area, so he has a lot of stuff to store. Chair Mitchell stated that this is kind of like walking on a thread as in our conversation there are a number of businesses that were mentioned so when they hear that we wonder if this is supporting a business or your personal items. Mr. Magner stated that he totally gets it. Chair Mitchell stated that the Board hears him. John stated that if it is commercial, it would look at noise which would include work times. Mr. Magner stated that he gets it and that sometimes there might be an emergency and would have to work at night. Chair Mitchell thanked Mr. Magner for attending the meeting. Mr. Magner thanked the Board.

Item 5: Admin Issues

A. Next meeting date: December 2, 2024

Item 6: Adjourn – Having no further business, Chair Mitchell adjourned the meeting at 5:59pm. All in favor.