

GREENWOOD SELECTMEN'S MEETING MINUTES

November 12, 2024 – 5:00 pm

Item 1: Call Meeting to Order - Chair Chapman called the meeting to order at 5:00pm.

Roll Call: Chair Amy Chapman, Selectman Norman A. Milliard, Selectman Robert Oickle, Town Manager Kim Sparks, and Fire Chief, Ken Cole.

Guests: Nick Bartlett, Michelle Purinton, Nate Bellanceau, Mary Day and her 3 adult children.

Item 2: Pledge of Allegiance

Item 3: Review and approve:

Expenditure Warrant # 19 – \$ 58,762.32 covering period Oct. 29, to Nov. 4, 2024
Includes Voucher 507 payable to All States Construction \$ 29,355.66

Expenditure Warrant # 20 \$ 17,177.84 covering period Nov. 5, to Nov. 12, 2024

The Board reviewed Warrant # 19 and Warrant # 20.

Selectman Milliard motioned and Selectman Oickle seconded to approve Warrant # 19 and Warrant # 20 as read. Vote: 3-0. Warrants are approved.

Item 4: Review and approve minutes of October 29, 2024

The Board reviewed the minutes of October 29, 2024.

Selectman Oickle motioned and Selectman Milliard seconded to approve the minutes as presented. Vote: 3-0. Minutes are approved.

Item 5: Comments from the Public - No comments

A. Selectmen contacted outside of meeting - no contact.

Item 8: Our thanks and congratulations to Mary Day – our retiring mail lady.

The Board agreed to move Item 8 up on the agenda.

The Board thanked Mary Day for her service to Greenwood and wished her a wonderful retirement. Mary is retiring as our most loved mail lady after 21 years. Mary accepted her cards and gifts, thanked us all, and said that she would miss working in Greenwood.

Item 6: Discussion with Sarah Wood who would like to become a regular member on the Planning Board. The appointment paper is ready if Sarah decides to join the Planning Board.

The Board tabled this item until our next meeting as Sarah was not able to attend their meeting.

Item 7: Discussion with Michelle Purington & Nate Belanceau regarding issues with abutter at 190 Howe Hill Road. Requests to update Ordinances.

Michelle asked if the Board had received a copy of her letters and the listing for updating the ordinances. Chair Chapman stated that they have the list from Michelle on items for updating the Ordinances. Michelle explained that she is having ongoing issues with her abutter at 190 Howe Hill Road. Michelle explained that she has contacted DEP, the State Forest Service, and Oxford County Sheriff Department. She stated that she is also looking to find an attorney to help her with this. She explained that Mr. Wagner who owns 190 Howe Hill Road started clearing his land and, in the process, cut some of her trees. She explained that Mr. Wagner has caused so much destruction to her land, that he has removed some of her trees, and carved into her land. Selectman Milliard asked if they had a response from anyone. Nate Bellanceau stated that they had a response from the Forest Service but Oxford County not so much. Nate stated that before they didn't have any "No Trespassing Signs" up on their properties but they have installed signs all along their property lines. Nate stated that Mr. Wagner has cut trees on Michelle's property and has carved into her land. Nate stated that Mr. Wagner had trespassed on his property and started marking his trees. Nate said that he took the markers down as they were on his property. Chair Chapman asked if Mr. Wagner had marked trees on Nate's property to cut down. Nate answered yes. Chair Chapman asked if there was a triple stumpage law at the very least. Michelle stated that Mr. Wagner pulls up the stumps/stumpage as soon as the trees are cut to hide the evidence that a tree was ever there. She explained that she can not get ahead of them to even take a photo of what they have cut. Chair Chapman asked if they are pulling stumps off of her property and asked if the property line clearly marked. Michelle stated that the line is now marked but Mr. Wagner didn't have a survey done before any trees were cut. Michelle stated that all of the trees were cut down and then the survey was done. Nate stated that they ran one of Michelle property stakes over twice. Michelle stated that they ran over one of her stakes and bent it and then they ran it over a second time. Michelle stated that the Forest Service took photos of her pins. Michelle stated that they also installed their driveway before the survey as well. Michelle stated that there is no codes officer that will come out to measure the location of the slab or the location of the driveway. Michelle stated that this has been a nightmare, and she keeps trying to document everything.

Selectman Oickle asked if this is the open area on Howe Hill Rd with all of the construction equipment. Michelle answered yes. Selectman Oickle asked if she was on the uphill side of this. Michelle answered yes. Chair Chapman asked where Nate's property was. Nate explained that his property is in the back behind Mr. Wagner's property. Selectman Oickle asked if the Planning Board had reviewed this. Kim explained that the Planning Board issued Mr. Wagner a permit to build a garage. The Town started receiving complaints from Mr. Wagner's abutters and found a business being advertised at the 190 Howe Hill Road address. Kim explained that she contacted Mr. Wagner who insisted that he only going to be using the garage for his own personal use. Kim invited Mr. Wagner to the Planning Board meeting on Nov. 4th to discuss this situation with the Planning Board. Kim stated that there is a copy of the Nov. 4th meeting minutes in the Selectmen's Meeting packet for their review. Selectmen Milliard stated that the minutes are quite extensive. Kim explained that she just completed the minutes today so that the Selectmen could review them.

Kim explained that the Planning Board was trying to determine if Mr. Magner was using his property for his own residential use or for a commercial purpose. Kim explained that Mr. Magner insisted that it was being used for his personal use and if at some point in the future they decided to use it as a business he would return to the Planning Board for a change of use and a Site Plan Review. Kim stated that Mr. Magner is allowed to build a garage on the property that he owns. Nate asked if he is allowed to build a garage and store items there from his real estate business and other businesses. Nate stated that he has a construction company using that address. Chair Chapman asked if Mr. Magner lives there. Kim explained that Mr. Magner lives further up the mountain on Rocky Lane. Nate stated that Mr. Magner doesn't live on the property. Kim stated that Mr. Magner insisted that this property was going to be for his own personal use. Kim explained that the Planning Board asked several questions of Mr. Magner to determine if a business was being operated there. Kim stated that they would like to submit the Planning Board minutes to the Town Attorney to get his advice.

Nate stated that he did some research and found that the State law is that Commercial Buildings have a side and rear setback of 25'. Michelle stated that she has this noted on her listing of ordinance updates that was submitted to the Selectmen. Kim stated that she wasn't aware of this State law, that it was her understanding that Greenwood's side and rear setback was 10'. Kim stated that she would have to do some research on this and would update the Selectmen. Nate stated that the foundation measures 18' from Michelle's property and asked why the Town hasn't issued a stop work order. Kim explained that she would need to research the setback requirement before a stop work order could be issued or unless the Attorney gave them guidance on such. Nate stated that Mr. Magner needs to tear up the foundation he installed as it doesn't meet the State law setback of 25'.

Nate stated that Mr. Magner has the full intent to turn this into a commercial property. Nate stated that Mr. Magner stated in the Planning Board meeting that once the company gets big enough, they can use this property. Chair Chapman asked if there was a stop work order issued. Kim answered no that we are waiting to hear from the Town Attorney. Chair Chapman asked if there is a penalty for running a business after the fact. Kim stated that Mr. Magner is allowed to build a garage on his property, and she is in hopes that the Town Attorney can give us guidance on determining if Mr. Magner is operating a business from 190 Howe Hill Road.

Chair Chapman asked if they had some idea what their property lines were, but they ended up not being accurate. Nate stated that they went right on the other side of the stakes and is clearly marked on his property, but they marked trees over his marked line. Nate stated that he was always told that the property had wetlands and was told it couldn't be built upon. Chair Chapman asked what the Selectmen's role is here. Chair Chapman stated that the Board is aware of it. Kim explained that the Planning Board directed Nate and Michelle to the Select Board to discuss their request to make changes to our Ordinances, so this doesn't happen to others. Nate stated that he wants to have Mr. Magner's permit pulled so he can't do anything else about the property or at least until the Codes Enforcement goes out there.

Nick stated that they are also opening themselves up for a lawsuit. Nate stated that Michelle has a lot of work to repair her property line and replant trees. Chair Chapman stated that they (Mr. Magner) should be liable for putting it back to what it was. Michelle asked who was responsible for making him do that. Kim explained that is a civil matter and not the Town's responsibility. Nick stated that Michelle would have to take him to court.

Nate stated that he can't afford an attorney and has posted his property. Nate stated that Michelle would have to get an attorney. Michelle stated that this is all new to her and she isn't aware of the process. Nate stated that they posted their property lines and Mr. Magner still cut down their trees.

Chair Chapman stated that it sounds like Mr. Magner has several businesses but claims that this garage is just for his personal use. Kim stated that the Planning Board had several questions for Mr. Magner to determine if a business is going to be run at the Garage. Kim stated that Mr. Magner kept insisting that this garage is for his own personal use.

Nate asked if the building permits could be pulled until the Codes Officer can go take a look to see what is going on. Kim explained that although the building is 18' from the line, Mr. Magner has met the setbacks of our Land Use Ordinance. Kim explained that she would need to research the Maine Lane Planning rules that Nate and Michelle have referenced as having a 25' setback for commercial. Chair Chapman asked how that would get enforced. Kim stated that after she checks on the setback, if it is in fact a 25' setback then she would contact Mr. Magner and let him know. Selectman Oickle asked who determines that it is residential or commercial. Kim answered that would be the Planning Board. Nate asked if the Board would grandfather the building if it was built to meet the residential requirements and then wanted to change it too commercial. Nate stated that is what he is trying to prevent, to have a noisy commercial building next to a residential home. Chair Chapman stated that she feels if they are advertising a business from his address that would mean it is commercial property. Kim explained that Mr. Magner stated that this is just his mailing address.

Selectman Oickle asked if Mr. Magner would appear before the Planning Board. Kim answered yes that Mr. Magner was at the November 4th meeting. Selectman Oickle asked if Mr. Magner has continued since the meeting. Nate answered that Mr. Magner has cut more trees on Michelle's property since the meeting. Chair Chapman asked where Mr. Magner was operating out of before he purchased this property. Kim stated that Mr. Magner said that a lot of his personal equipment had been at his property on Rocky Lane in Greenwood.

Selectman Oickle asked if these suggestions would go to the Planning Board. Kim stated that the Board could ask to have an Ordinance Review Committee review this. Selectman Milliard stated that they would have to form an Ordinance Review Committee. Selectman Oickle asked if they could have the Planning Board review this request for Ordinance changes and get their feedback. Kim stated that she would be glad to do that. Nick stated that at some point Mr. Magner will need to have a site plan review and there is nothing in the Site Plan Ordinance to prevent him from doing commercial business there.

Chair Chapman stated that our Attorney will review the Planning Board minutes, Kim will discuss this with the Attorney, and maybe the Planning Board will have AVCOG assist them at their next meeting or if necessary, an emergency Planning Board meeting. Kim stated that she would update the Board when she receives the response from the Town Attorney.

Item 9: Town Manager Updates – copy attached.

Item 10: Executive Session per 1 MRSA 405(6)(A) Personnel Matters with Greenwood Fire Chief, Ken Cole.

Selectman Milliard motioned and Selectman Oickle seconded to go into Executive Session per 1 MRSA 405(6)(A) Personnel Matters with Greenwood Fire Chief, Ken Cole at 5:55pm. Vote: 3-0. All guests leave the room and recording is stopped.

Selectman Oickle motioned and Selectman Milliard seconded to come out of Executive Session at 6:25pm. Vote: 3-0. Chair Chapman stated that no decisions were made, and no votes were needed.

Item 11: Comments from the Public - None

Item 12: Meetings and Events

Nov. 12th – Zoom meeting with OSHA regarding FD guidelines.
Nov. 18th – BMV Audit, GTO 9am
Nov. 20th – FEMA Inspection of Legion Hall, 10:00am
Nov. 25th – Broadband Meeting/Update, 10:00am Bethel Town Office
Nov. 26th – Turkey Tuesday, 6:00pm Mt. Abram
Nov. 28th & Nov. 29th – Town Office Closed
Dec. 2nd – Planning Board Meeting, 5:30pm GTO
Dec. 3rd – Selectmen’s Meeting, 5:00pm GTO
Dec. 17th – Selectmen’s Meeting, 5:00pm GTO
Dec. 24th – Town Office closing at 12 noon.
Dec. 25th – Christmas, Town Office is closed.
Dec. 31st – Town Office closing at 12 noon.
Jan. 1st – Town Office is closed.

Item 13: Adjourn - Having no further business, Selectman Oickle motioned, and Selectman Milliard seconded to adjourn the meeting at 6:28 pm. Vote: 3-0. Meeting is adjourned.