

Town of Greenwood
Planning Board Meeting Minutes
March 6, 2023

Item 1: Call meeting to order - Chair Mills called the meeting to order at 5:30pm.

Item 2: Roll Call

Present:

Eva Mills, Chair

David Newcomb, Secretary

Matt Mitchell

John Kwoka

Joelle Corey, Codes Enforcement Officer

Kim Sparks, Recording Secretary

Item 3: Election of Officers

A. Chair – It was moved and seconded to nominate Eva Mills as Chair. Vote: 3-0 with Eva abstaining from voting. Eva is voted in as Chair.

B. Vice Chair - It was moved and seconded to nominate Matt Mitchell as Vice Chair. Vote: 3-0 with Matt abstaining from voting. Matt is voted in as Vice Chair.

C. Secretary- It was moved and seconded to nominate David Newcomb as Secretary. Vote: 3-0 with David abstaining from voting. David is voted in as Secretary.

Item 4: Review Minutes of February 6, 2023

The Board reviewed the minutes of February 6, 2023.

Matt motioned and David seconded to approve the minutes as presented. Vote: 4-0. Minutes are approved.

Item 5: Old Business

Matt asked what the status was on the Coal Burned Spoon Sanctuary. Kim answered that they were still waiting for approval from the DEP.

Item 6: New Business

A. Cyrus Hamer & Kendra Surette, 513 Rowe Hill Road, Map U14-005
Preliminary Meeting for future Site Plan Review
Property Plan and Cabin Plan for 513 Rowe Hill Road

Chair Mills asked if the applicants could explain their application to the Board. Kendra explained that they purchased a piece of land on Rowe Hill Road last June on South Pond. She explained that they are proposing to build three individual small cabins. She stated that the lot is 13.18 acres. She explained that these eco-conscious cabins would be used by them, their family, and friends and when not being used by them would be rented out. Matt asked if they were

looking for feedback from the Board. Cyrus answered yes, that they would like to know if they are missing anything in their application or if there are any modifications needed to their application. Matt asked if they had an opportunity to review the Shoreland Zoning Ordinance and if they had any questions particular to that. Kendra stated that they had reviewed the Shoreland Zoning Ordinance and the Site Plan Review Ordinance. Kendra explained that as soon as the snow melts they will be having the survey done for the highwater mark. Matt explained that once that survey is done that it is documented in the application with the setbacks from the cabins. Kendra stated that they will get this documented once the survey is completed.

Matt asked if they could walk them through the documents that were submitted for review tonight. Kendra stated that they have the property survey. Joelle stated that they don't have a survey. After review of the document, it was determined that a property tax map was submitted not a survey. Cyrus stated that they need to provide the Board with a survey. Joelle stated that the survey can have the highwater mark noted and suggested that they have the surveyor mark down the cabin locations that show all of the setbacks. Joelle asked if they were going to have a well drilled. Cyrus answered yes. Joelle suggested that the surveyor also put the well location on the plan. Joelle suggested that as much as they can have on the survey the better as it is written in stone. Matt stated that would be great and make things go easier. Joelle asked if they have reviewed the Site Plan Review application. Kendra stated that they had and wondered if all of that information is required for this project. Joelle asked that they start the process by going thru the application answering the questions. Joelle asked them to send her a copy when they have reviewed the application and list out their questions of the items that they think are not needed. Joelle stated that there might be several drafts during the review process until it is ready for the Planning Board to review. Matt stated that there most likely will be a few items on the list that will not be required with your project. Joelle stated that when your property in is the Shoreland Zone the entire property is considered to be in the Shoreland Zone. Joelle explained that this project will be reviewed under two different ordinances and which ever is the stricter will apply. Matt asked if this plan goes well if they were considering adding more cabins and suggested that they think ahead on their planning now to not put them in a future bind if they do want to expand. Cyrus stated that they are focused on just the three cabins. David stated that the leach field location will be a big piece. Kendra stated that seclusion is what they are aiming for so they can enjoy the nature of the property.

Chair Mills asked if anyone had any further questions. Matt asked what their timetable was. Cyrus answered as soon as possible. Kendra stated that they are waiting to have the survey completed and will return to the Board with their application. Chair Mills stated that the Board needs to have the paperwork turned into the Board at least 10 days before their meeting to give the Board time to review the documents before the meeting. Kendra asked if the Board would be doing a site visit and if that could be done before an application was submitted. Joelle stated that it would be best to have the site visit after the survey was completed as it would then give the Board more information while on the site visit. Chair Mills asked if the Board had answered all of their questions at this point. Kendra stated they had and that she would be in contact with Joelle to prepare for a future Board Meeting.

B. Boyce/Hadley, 20 Coffin Lane, Map U11-003
Replace existing structure with new structure

Jeff Hadley was present to explain his application to replace the existing camp with a footprint of 895 square feet with a new structure with a footprint of 1148 square feet. The Board reviewed the application. David asked if this application included the shed that needed to be 100' from the shore. Jeff explained that the shed is not part of this application and they still need to figure out the placement of the shed. Jeff explained that they will be moving the camp footprint back 26 feet from the water as the old camp was 22 feet from the water. Joelle explained that they don't have much room to move the footprint as the abutter is very close. Jeff explained that the current septic system is for two bedrooms and they are going to keep that with the new structure being two bedrooms. Joelle explained that this was a previously approved project back when Shoreland Zoning had us consider both volume and footprint and the project never happened. Joelle explained this is a new application with the new Shoreland Zoning with us just doing the footprint. Eva asked if a DEP permit was required. Joelle explained that the project is being pulled 25 feet back from the shore so it doesn't need to have DEP approval. John asked if Joelle had all of the setbacks on the plans that she needed. Joelle stated that all of the setbacks are noted on the plan. Joelle asked if they were going to be using posts. Jeff answered yes, that he is concerned with the high-water table, that he wouldn't be able to get down very deep, and the camp would be too high in the air if we went with a 4 foot frost wall under it. Eva asked if anyone had any further questions or needed more information. David and Matt stated that they had no questions.

John motioned and David seconded to approve the application as submitted.
Vote: 4-0. Joelle will issue the permit.

Kim will complete the certificate of expansion and get it filed at the Registry of Deeds.

C. Jill Powers, 828 Greenwood Road, Map U17-02
Requesting an after the fact permit for installing a retaining wall with fill on their property.

Matt stated that it looks like a lot of history here and asked if Jill could explain it. Jill explained that in 2018 they had a well installed and the person who installed the well brought in fill to build a road to the location of the well. Jill stated that they were also permitted to have septic system updates and thought that the road and retaining wall were all part of the same permit which she found out is not correct. Joelle stated that the retaining wall was built within the Shoreland Zone without a Planning Board Permit. Jill stated that Joelle had contacted her and informed her that she would also need a permit from the DEP. Jill stated that she completed the DEP application and it was approved. Jill stated that they had parked their RV for the past two years on the road that was installed to access the well. She explained that the road wasn't stable so they added more fill and a retaining wall to ensure the fill did not erode.

Jill stated that she wants to do what is right and asked the Board if they could grant an exception in her case. Jill stated that she feels if she has to remove the fill that was brought in it would cause more damage to the pond than it would to just leave it there. Jill explained that the property is very thin and is limited on where she can put things. Jill stated that she is looking for direction on getting this approved so they can move forward.

Matt stated that the Board would need some time to review all of these documents. Jill stated that she had submitted the application several weeks ago. Kim explained that the application was submitted several weeks ago but we were missing items so it wasn't put on the Planning Board meeting agenda. Joelle stated that the application is still missing items. Jill asked what items are missing. Joelle stated that they need the elevation above the floodplain, square foot coverage of material brought in, and none of these questions were answered. Jill explained that she didn't know what applied as this isn't a structure. Joelle stated that it is a structure by the Shoreland Zoning Ordinance. Joelle stated that the retaining wall section also requires that it be revegetated and it never was. Jill stated that nothing will grow there as it is right beside the Greenwood Road and she tried to replant but 6 out of the 8 trees that she planted died. Jill stated that she was under the assumption that our permit in 2018 was part of this and she was just maintaining it. Joelle stated that the only wall that was approved in 2018 is where they had to bury the pipe for the septic system. Joelle showed the board a picture of the small section of wall that was approved in 2018. (Copy attached).

Joelle stated that none of the dirt that was brought in for the well drilling was asked about or approved. Jill stated that the well was permitted. Joelle stated that the Town doesn't permit wells. Jill explained that the well drillers built the road for their heavy equipment. Matt stated that there is a process for well drillers but then they take the road away. Joelle asked who was the well driller. Jill answered that it was Affordable Well Drilling. Joelle stated that she has had two DEP violations with Affordable Well Drilling in the last year. Jill stated that as a land owner she doesn't know that. Jill stated that she has done everything that has been asked of her. Jill stated that she will have to pay twice as much to have the fill removed and feel it would be detrimental to the pond. Jill stated that she was just maintaining what is there and is always concerned about the pond.

The Board reviewed all of the pictures submitted. John stated that he recognizes the area. Joelle asked if they own across the street and the camper could be moved over there. Jill answered yes and that they couldn't move the camper as there is no power over there. Joelle stated that Jill adding dwelling space to your non-conforming lot is not an excuse for them to fill this in and park your camper there. Joelle stated that they can add power across the street.

Matt asked if Joelle had a recommendation on this application. Joelle stated that she thinks the application needs a survey that will definitively tell us where the highwater mark is and where this retaining wall in relation to that. Matt stated that information is required. Jill stated that it is 40 feet from the water. Joelle stated that she is not a surveyor. Jill stated that the property is only as big as it is and they can't move anything back or they will be in the Greenwood Road.

Joelle stated that if she had been asked if this project could have been done, she would have said no as it doesn't meeting the Shoreland Zoning Ordinance definition of a retaining wall. Jill stated that she doesn't understand what she wants her to do. Jill stated that if they ask her to remove that gravel it will be detrimental to the pond. Joelle explained that it wouldn't be detrimental as it would be done with erosion control, done by a contractor who is certified to work in the Shoreland Zone, and be replanted. Jill stated that this will be a hardship to her as it will be twice the amount of money that they have already put in and it will be detrimental to Twitchell Pond and the stream that goes by there. Jill stated that she will beg for a variance and will have to go to an appeals meeting after this if she can't get this approval as this will be a hardship. Joelle stated that the Town didn't create the hardship. Jill stated that the Town telling her that she has to remove it will create a hardship for her. Jill apologized for not knowing the proper procedures but has done what was asked of her. Matt stated that a certified contractor can re-establish the area but there would be a cost to that. Jill stated that she is willing to rebuild the retaining wall and to make sacrifices to make this work. Jill stated that to put it back to how it was will cost thousands of dollars and is beyond her capabilities. Jill stated that she understands that the Town has ordinances and she is asking for an exception. Joelle stated that we (the Town) don't have the authority to make any exceptions. Matt stated that the Board can not approve this permit. Jill asked what was the reason they are denying her the permit, specifically. Joelle stated that it doesn't meeting Shoreland Zoning Ordinance retaining wall standards. Jill stated that the DEP approved her permit. Joelle stated that the DEP didn't even come out and look at the property and DEP issues a Natural Resource Protection Act (NRPA) permit and the Town issues a Shoreland Zoning Permit. Joelle explained that Jill would need both permits.

John asked what was there before Affordable Wells came in with a bunch of dirt. Chris Powers stated that they didn't bring in any dirt, that they just pushed around the dirt that was there to make it into a road. Jill stated that she needs this road to stay as it is her only access to the well. She stated that if this road is removed she wont have access to maintain her well head and this was why she was maintaining that area so she could access the well in the future. David stated that a road wouldn't be needed to access the well. Matt stated that there are several wells that are in folks back yards and they don't require a road to them so that isn't a reason to keep the road. David stated that he has a well that a truck can never get to and maintenance is all done by hand. Chris stated that the only vegetation that was there was the grasses that was in the road and there is really nothing special there in terms of vegetation. Chris stated that they put the fill in there for the camper as the camper was too close to the Greenwood Road as we were worried if someone lost control while driving on the Greenwood Road and hit the camper someone could get killed. Chris stated that they thought a solution to this would to bring in some fill, hire a contractor but the guy we got prices from didn't tell us about zoning requirements. Matt asked if the fill was brought in for the well. Chris stated that the fill was brought in to maintain the road to the well in 2022. Chris stated that the well drillers put in this road here, it really didn't damage anything, that there was nothing remarkable there, they had to take out a few trees, we planted numerous trees and they aren't doing great because there is just gravel there. Jill stated if they tell her to plant grass there she will.

David asked Joelle that this doesn't meet the Town's Shoreland Zoning Ordinance. Joelle stated that it doesn't. David stated that it is beyond the Planning Board's scope. Joelle stated that the retaining wall is too high and they brought in fill. Joelle stated that it has not be replanted. Jill stated that they had replanted. Joelle stated that there is bare gravel there. Joelle stated that there is no duff layer, no dead leaves, no bushes, just gravel. Chris stated that the gravel won't cause any issues with the pond. Matt stated that the gravel does cause a problem when the water just runs across it and doesn't get absorbed in. Matt stated a hard service is detrimental in this case. Jill stated that there is still scrub in the same area as it was in 2018. Matt stated that this application doesn't meet the ordinance requirements and it was put in without a permit. Matt stated that the Board is not in a position to approve this application. Matt asked if the Powers understood the Board's decision, that the Board isn't in a position to approve this. Jill stated that she understood and would appeal.

John asked if there was a plan view in the application. Jill said there was and that it was a handwritten plan. Joelle stated that the only section of wall that was approved in 2018 was a small section was right up against the camp. She explained that the small wall was approved to cover the septic pipe and that was all that was approved. Joelle stated that the text message from 2018 says that. Jill stated that wasn't what was put in. Jill stated that there was more put in – more than what Joelle is showing. John asked if that small section over the septic pipe is good. Joelle stated that small section of wall over the septic pipe is approved. John stated that the other section of wall the PT (pressure treated) was never approved. Joelle stated that there is more than just the PT section of the wall. Jill stated that she thought all of the wall was permitted in 2018. John asked if Jill had submitted any drawings to get this approved in 2018. Joelle stated that a permit was needed for the small wall installed to cover the septic system. Jill said the entire wall was installed in 2018 and the Town never argued or informed her that it wasn't approved. Matt asked if the Powers could understand that a certain amount of work is approved and done and then more work is done with approval without anyone knowing. Chris stated that Affordable Well Drilling should have come to the Town for the permits. Joelle stated that its not up to the contractor, that the property owner is the responsible party. Jill stated that Joelle was on the property and approved it. Joelle stated that she only approved the small wall to cover the septic pipe. Joelle stated that none of the gravel area where the camper is now parked was there in 2018 when she approved the wall to cover the septic. Jill stated that she will argue with Joelle that all of the wall was there.

John asked if in 2018, Joelle was on the site to approve the septic and wall over the septic. Joelle answered yes, that she only approve the septic and the small wall over the septic pipe. Jill stated that she submitted a plan in 2018 which included the septic, septic wall, and rest of the wall. Joelle stated that there is no plan and no permit. Joelle stated that there was a septic plan submitted and that was just for the septic system. Joelle explained that a septic plan does not include retaining walls. Joelle stated that a Septic Permit is separate from a Shoreland Zoning Permit and that there was no Shoreland Zoning Permit issued. Joelle asked if they understood. Jill stated she did and that Joelle did approve it. Matt stated that Joelle couldn't approve it as there was no application submitted for a retaining wall in the Shoreland Zone.

John asked where the leach field was. Joelle stated that the leach field is across the road. Joelle stated that the small wall that was approved is to cover the septic pipe from the camp to the septic tank. Jill asked after this was finished did Joelle sign off on it if it wasn't approved because this is the wall that was there in 2018. Joelle stated that she doesn't have a problem with the wall over the septic pipe, she has a problem with the wall all the way over to where the well was installed. Matt asked if the Powers have a copy of the requirements for retaining walls in the Shoreland Zone. Joelle stated that she had sent the applicants a copy of the Shoreland Ordinance. John asked if it was safe to say an additional retaining wall was added. Joelle stated that was not covered in the Septic design permit. John stated that it doesn't sound like that Septic Plan had any of this additional work included and spelled out on it. John stated if the Powers did have that paperwork that would be helpful. Jill stated that all she has is that it was never argued since 2018 and that is how it was finished. Joelle asked when was the well put in. Jill answered 2018. Joelle stated that we wouldn't know that as there is no Town around here that permits wells. Jill stated that Joelle permitted the walls. Joelle stated that she didn't permit the wall and was never asked to ever. Joelle stated that she was never part of that conversation. Chris stated that they need to look into the alternatives to remove all of that sand and gravel. Jill stated that she did look into that and she can't do it. David stated that they can appeal the Board's decision. Chris asked how much does a survey cost. Joelle estimated \$ 1,500 to \$ 3,000. Jill stated that was another hardship and she can't do it. Joelle stated that isn't a hardship that the Town created. Joelle suggested that they read the definition of hardship in the appeals paperwork and doesn't think they are applying it correctly. Joelle stated that an appeal is also another fee and that is why she is cautioning her.

Matt motioned and David seconded to deny the application as it does not meet Section 15, Land Use Standards, subsection B, Principle and Accessory Structures, subsection 5 Retaining Walls, 15. B. 5, Greenwood Shoreland Zoning Ordinance, May 21, 2022. Vote: 4-0. Application is denied.

Item 7: Admin Issues

John asked if the Town would be willing to consider having permits for wells. Joelle stated that she would love to have this. John stated that it might help in future cases if the Town could make sure shoreland zoning regulations and setbacks were being met. Kim stated that she would be willing to research this and update the Board at their next meeting.

Item 8: Adjourn - Having no further business, Matt motioned and David seconded to adjourn the meeting at 6:35pm. Vote: 4-0. Meeting is adjourned.