

**Town of Turner, Maine
Planning Board Minutes
February 14, 2018**

1 CALL TO ORDER

Called to order at 7:00 pm by Chairman Mr. Thomas Perkins. Those Members present were Mr. Perkins, Mr. R. Edward Morris, Ms. Shirley Twitchell, and Mr. Bill Bullard. Mr. Richard Lee arrived shortly after the start of the meeting. Mr. Gregg Varney and Mr. Mark Morris were absent. Planner, Shelley Norton and CEO, Bob Boutin were present.

2 PUBLIC HEARING – Medical Marijuana Production Facility Site Plan – James Baillargeon

Request for approval to build a 40-foot x 60-foot State of the Art building for the purpose of growing medical marijuana, with a new septic system and well off of Route 4. Mr. Perkins announced that the public hearing is for a medical marijuana grow facility on Auburn Road on a vacant parcel across from Clark Metal Fabrication. There were no questions or comments from the public. R. Edward Morris moved and Ms. Twitchell seconded a motion to close the public hearing; the motion carried unanimously..

3 VERIFICATION OF QUORUM

Mr. Perkins stated that there were four Board Members in attendance which constitutes a Quorum.

4 PLANNING BOARD MINUTES FROM DECEMBER 13, 2017 AND WORKSHOP MINUTES FROM JANUARY 3, 2018 AND JANUARY 10, 2018 PLANNING BOARD MINUTES

Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion to approve the minutes from the December 13, 2017 meeting as written and distributed. Motion carried, unanimously. Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion to approve the workshop minutes from January 3, 2018. The motion carried unanimously. Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion to approve the minutes of the January 10, 2018 meeting as written and distributed. The motion carried unanimously.

5. OLD BUSINESS

A. MEDICAL MARIJUANA PRODUCTION FACILITY – James Baillargeon

Mr. Baillargeon announced that he is looking to build a Medical Marijuana facility.

Check List

The board stated that no sign will be allowed and there are no easements according to the plan.. Ms. Norton reviewed the project check list with the board. The board requested that #34 be changed from N/A to checked off that abutting properties are shown on the plan. Ms. Laura Carver who attended the public hearing is a neighbor and has no problem with facility and Ms. Twitchell is an abutter and has no problem with the proposal. MDOT has reviewed and approved of the proposed driveway and curb cut location. An erosion and sediment control plan and a stormwater report has been prepared and no permanent stormwater controls are required. The site plan shows the grading and it will show how the water will fall pitching away from the building. There will be 3 parking spaces. The driveway and parking area will be gravel. The board requested that item #43 be changed from N/A to checked off as having been considered that stormwater structures area included on the plan. Ground impact analysis. Goodwin Well and Drilling did the Well and it will have no impact (there is a letter stating the same).

The site is not near a school, park or church and the closest daycare provider licensed by the State is 2,000 feet away. The applicant has requested a waiver from item #50, evidence of financial capacity to complete the project. A letter from a financial institution would be needed. It was stated in a letter to the town "To whom it may concern, nature of the business the financial institution can not lend money. There is a business partner who is funding the business but does not want to be mentioned." Ms. Twitchell mentioned that they have never let a business go without a financial letter. Mr. Youland had asked in the past and was never granted one. Mr. R. Edward Morris suggested that maybe a bond could be done. Mr. Perkins stated that it is standard that you have something to show financial backing. The Town's attorney has said in the past that they should not touch anything that does not have a letter proving financial backing to avoid being responsible for those properties. Sandy Bottom Estates posted their own money. There is a letter showing there is money set aside for a certain amount. John Maloney (audience) suggested that maybe his partner should put money in a bank and have the bank state that there is money in the account. The applicant stated that no credit union or bank will allow the business to keep its money, due to federal law. He would like his options made clear before the meeting ends. There are contractors lined up ready to start the project. If everything is not done then they can come shut him down. He will show a letter to Mr. Bob Boutin to prove he has the financial backing. They would not be breaking ground until next Wednesday.

Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion that the check list is complete. Motion carried unanimously.

Findings of Fact

Ms. Norton reviewed the findings of fact and conclusions of law with the board as well as conditions of approval. The project is under 3 acres on a vacant lot on Auburn Road (Route 4). The use is conforming in the Commercial 1 zoning district. The project will have a new curb cut and driveway. The Applicant prepared a sketch plan which was reviewed by the board in December. Prior to taking action on the application, the board will need to consider the waiver request and whether to make that a condition of approval instead of granting a waiver. The check list was deemed complete this evening and the public hearing also took place this evening.

Conditions of Approval

Town will provide Operations and Safety Manual to the fire and rescue departments, not the applicant, eliminate condition #10. New condition #10 that applicant must provide a bank letter showing financial capacity. #11 be added that one of the parking spaces be designated handicapped and labelled with a handicap sign.

Ms. Twitchell, questions the odor. Mr. Baillargeon stated there will be no windows and he is using State of the Art Filter system and he will be changing filter every 3 weeks and he will notate when it is changed in the log.

Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion to accept the Findings of Fact and Conclusions with Conditions 1 through 11 as amended during the meeting tonight. Motion carried unanimously. Ms. Twitchell moved and Mr. R. Edward Morris seconded a motion to deem the application complete. Motion carried unanimously. Ms. Twitchell moved and Mr. Lee seconded a motion to accept Final Plan as complete.

Ms. Twitchell moved and Mr. Lee seconded a motion to grant final approval. The board unanimously accepted the motion and a copy of the Findings will be signed at the next meeting but the applicant can move forward with getting town permits except the building permit and can start site work.

5 OLD BUSINESS
BIG BEAR LANE AMENDMENT#2-STREET CONSTRUCTION
-Findings of Fact and Conclusions of Law signed February 14, 2018

6 NEW BUSINESS

A. GUNSMITH SHOP SKETCH PLAN – Gustave Zeissig

Mr. Zeissig appeared to propose a one room gun shop. The shop would be located in the basement of an existing apartment building at 432 Turner Center Road, and would be 13 ft. x 13 ft. There would be some retail with gun sales but primarily gun smith work would be done. There will be no signs located on the road. There will be a small sign that would direct parking to be in back of the building. There would need to be 3-4 parking spots for the business, which already exist. He is licensed with the NRA and would hold safety classes with about five people at a time at most. Because it is a multi-family building, the State Fire Marshall will need to be contacted to preform a review of the building's change in use. There is a school nearby, Ms. Norton clarified that according to state law, firearms cannot be possessed while on school property or discharged within 500 feet of school property (property lines). Firearms may also not be discharged within 300 feet of a building or residential dwelling without the permission of the owner. There will be ammunition on the property. The business, if approved, is considered a home-based business because he lives in the apartment building and is president of the Corporation that owns the building. This proposal would require a permit from the Planning Board but not Site Plan review, and no public hearing would be needed. At this point the applicant is just looking for comments and feedback similar to a sketch plan review. He does not plan for the operation to be very large. Mr. Perkins suggests that we should have a letter from the Fire Marshall stating that the business is authorized to be operated in the building. Mr. Perkins also stated that he personally does not feel comfortable with the facility being so close to the school. Mr. R. Edward Morris questioned how long the Fire Marshall's wait list is and Mr. Perkins said the Fire Marshall's wait list is months wait. Mr. Bullard asked if a public hearing should be held. It was clarified that a public hearing is not required. Mr. Lee suggested that the board wait until the Fire Marshal has reviewed the project and that a site walk be scheduled at that time. Ms. Twitchell asked if there are regulations needed. There will need to be barred windows and an alarm system in place. There currently is a laundry facility that is accessible to the other tenants. Mr. Boutin stated that there is direct access through a daylight basement in the rear. Mr. Perkins stated that it should be handicap accessible and have a designated parking space. The applicant will return to the board when he has approval from the State Fire Marshal.

7 OTHER
A. COMPREHENSIVE PLAN

The Comprehensive Plan Committee met on January 31, 2018 and will meet again on February 15, 2018. They plan to meet every 2 weeks if possible and will get plans and opinions together to reach out to the public. There will be a lot of different aspects and different directions the board will need to discuss and there will time set aside time for public input as they get further along. The public is welcome to come to the meetings. The planning board can be a part of the process if they would like. Mr. Perkins is glad to hear it is moving forward and is organized. They will wait until a letter requesting for them to be involved and will drop it from the agenda going forward. Mr. Bullard asked if the members feel that there should be a lot of things that should be changed in the plan. Mr. Mike Gotto (Chair of Committee)

stated that they are just getting things going and there may be a few things that should change but until they meet more it is too hard to tell.

B. ORDINANCE AMENDMENTS

Ms. Shelley Norton, Mr. Mike Gotto, Mr. John Maloney and Mr. Thomas Perkins met to discuss amending the Ordinances.

These changes will need to be done before Town meeting in May. The board will work through the proposed ordinance updates provide by Mr. Maloney, former Town Planner, and those provided by Mr. Gotto on behalf of the Selectmen, and will provide comments back to the Selectmen, The board went through much of the subdivision ordinance changes tonight and will continue its review at the workshop in March.

(Notes on the ordinance amendment discussion were recorded separately from the meeting minutes.)

8 REPORTS

- A. Planner Escrow
Mr. Boutin read the Planner Escrow. No action needed.
- B. CEO Report
Mr. Boutin read the CEO Report.
- C. Other
None.

9 ANNOUNCEMENTS AND CORRESPONDENCE

None.

10 PUBLIC COMMENTS

None.

11 ADJOURNMENT

Mr. Thomas Perkins made a motion for adjournment, unanimously accepted. The meeting adjourned at 10:00 pm.

Respectfully submitted by,

Megan L. Ricker
Secretary