

**Town of Turner, Maine
Planning Board Minutes
October 21, 2020**

1 CALL TO ORDER

Called to order at 6:00 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Mr. R. Edward Morris, Brian Emmons, Ms. Shirley Twitchell, Donny Hinkley and Mr. Richard Lee. Those Absent, Kelvin Youland. John Cleveland, Town Planner were also present. Mr. Kurt Youland, Town Manager was also present.

2. VERIFICATION OF QUORUM

Mr. Bill Bullard stated that there were 6 Board Members in attendance which constitutes a Quorum.

3. PLANNING BOARD MINUTES FROM September 16, 2020.

Mr. Morris made a motion to accept the September 16, 2020 minute and seconded by Ms. Twitchell (6 ayes)

4. PUBLIC HEARING:

Herban Legends, LLC

Mr. Cleveland reviewed the application with the Board. They will be moving into the space on the left hand side of the building owned by Pete Angell off from the Tidswell Road. They plan to have a grow room, consultation room and a smoothie and ice cream bar and some additional rooms for learning and storage. They are permitted with the State and they will be in leased space.

5. OLD BUSINESS

Herban Legends, LLC

Mr. Cleveland reviewed the Application and Findings of Fact and Consideration of Law. Mr. Cleveland stated that they will have a sign for the business and they will need to go through the application with the CEO officer.

Ms. Twitchell made a motion to find the Application complete and it was seconded by Mr. Morris. (6 ayes)

Ms. Horn stated that she provided the Filter system to the Board and they have been using the same in their current location and they are working very well.

Mr. Cleveland stated that they will have separate rooms set up and will have glass so customers will be able to see the process. They also plan to have an ice cream bar and smoothie bar as well as a drive-up window.

This will be in a Commercial II zoning and is not near a school and falls within the guidelines. They will have no waste material where they will be disposing the same at their other facility.

They did provide a list of products they plan to sell and hope to do additional landscaping around the building.

Mr. Lee approved the Findings of Fact and Conclusion of Law and it was seconded by Mr. Hinkley. (6 ayes)

6. New Business

Recreational Medical Marijuana Store Front

Mr. Norman Rattey, Esq. from Skelton, Taintor & Abbott on behalf of his client CannaRX. He presented the Board with updated changes within the Town of Turner Ordinance to allow the use of Adult use Recreational Marijuana Ordinance.

Mr. Schaub spoke on what the current Ordinance allows and that the Land Use access will be and the Selectman will need to be involved in regards to the licensing aspect. The Board is interested on what zones would be allowed for Adult Use Recreation. Mr. Rattey stated that he will look into why the zone currently drafted for Adult Use would only be in Commercial 1 Zone. Mr. Bullard questioned why the Adult Use Recreational Marijuana would get rid of the Medical Marijuana Ordinance. Mr. Rattey stated that the proposed Ordinance builds off from the Medical Marijuana Licenses and to build off to from that to include Adult Use Recreational Marijuana.

Mr. Morris stated they he sees buildings being portioned off from Adult Use and Medical Marijuana in the same building.

Mr. Cleveland stated that the way he reads the proposal it is as if it is integrated the Medical Marijuana vs making a Separate Ordinance and there is some confusion. Mr. Rattey stated that it was never intended to replace the Medical Marijuana. Mr. Cleveland stated that there are references that are integrated.

Ms. Twitchell questioned if they can have Medical Marijuana and Recreational in the same Building? The State has recently changed some of the guidelines that it would need to be looked at more thoroughly.

Mr. Schaub stated that the Town will need to be amend an Ordinance but it will also need to go to the Town to be voted on.

Mr. Emmons questioned on why the businesses can not be combined. Ms. Horn stated that because of the regulations the State needs to have the division due to taxes and because there are some individuals that do not want to go through the State and would rather pay the higher costs.

Ms. Angell stated that the application to the State for Adult Use is significantly different than having a Medical Marijuana license to sell.

Mr. Cleveland stated that the Land use will deal with having the appropriate parking, wetlands, or in the correct zone. The Site plan would need to ensure they meet all the guidelines. When it comes to the Marijuana aspect the Board will need to look at the background review of the applicant, the security issues and the proper procedures being followed. The Board will want to look at the State Statute.

Mr. Schaub stated that the Town would need to opt into allowing Adult Use Recreational Marijuana. There are 3 ways that this can be done. The first step is to go to the Planning Board. If the Planning Board decided to not allow it, the Applicant will need to go to the Select Board. IF the Select Board decides not to allow it, the Applicant is than allowed to put their proposal to the Town to be voted on (this would need a petition).

Mr. Cleveland stated that when you look at Ordinance Amendment it is a yes or no vote. The Board will want to be active in this process and it is very common to be done. The Board will prepare a draft for the Ordinance and it will than go to Public hearing where it can be updated and corrected as such.

Mr. Schaub stated that the Select Board has seen the proposal but have not had enough time to really look at the options. They will come back to look at the same at their next meeting. They have discussed a possible limit for the Adult Recreational Sales.

The State currently does not have a limit on the amount of Recreational Store Fronts allowed.

Mr. Cleveland stated if the Board decided to limit the amount of shops allowed within the Town they will want to look into how they will set up the who will get the license and how they will select the same.

Mr. Bullard questioned if Mr. Cleveland could find a couple of examples for the Board to look at to help guide them into the right direction to look at how to proceed moving forward.

Mr. Bullard questioned Mr. Schaub on what the Selectman currently think of the proposal. He Stated that they Board is looking into it more and they will work on more logistics as they move forward but they did not have anyone who was against it.

7. Other Business

Mr. Skoniecki stated that he was here to find out what could be done about his neighbor who is currently raising chickens and roosters next door. Mr. Bullard stated that because it is in a Rural Zone there is nothing they can do. Spot zoning is very hard to do and the boundary line is too far to be able to move.

Mr. Cleveland stated that the zoning ordinance stated that there is an ordinance that restricts him from having more than 50 birds per square foot. Mr. Cleveland stated that the Planning Board has no authority to tell the owner of the lot not to have a certain amount of birds but could ask him to not have Roosters.

Mr. Schaub stated that when he had originally looked into it the deed just stated that he would not be able to operate a business.

Ms. Twitchell stated that at this point and what the Town has for Rules there really isn't anything that can be done. The only suggestion is to talk to his neighbor again and tell him that he is going to hire an attorney.

Update from the Town Manager

Mr. Schaub stated that the Town is currently looking for a Planner to take Mr. Cleveland's position when he retires. He also stated that the Town has found a new Code Enforcement Officer who will be working part time. Ross Gagne will be the new Code Enforcement Officer. Mr. Ken Pratt did a great job filling in but he does run his own business as a 3rd party inspector and is very busy with the same. Mr. Schaub stated that the Town reviewed what it is required to provide in regards to permits. The State requires that we have a local Plumbing Inspector and Ross is Certified. The Town can use a 3rd party building inspector in regards to additional building permits.

Election of Officers

Ms. Shirley Twitchell nominated Mr. William Bullard for President and it was seconded by Mr. Donny Hinkley. (6 ayes)

Mr. Richard Lee nominated Mr. R. Edward Morris for Vice President and it was seconded by Mr. Donny Hinkley. (6 ayes)

Mr. William Bullard nominated Mr. Kelvin Youland as Secretary and it was seconded by Ms. Shirley Twitchell. (6 ayes)

8. REPORTS

None

9. PUBLIC COMMENTS

None

10. ADJOURNMENT

Mr. Lee made a motion for adjournment and it was seconded by Mr. Morris and the Board unanimously accepted. The meeting adjourned at 8:05 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.