

**Town of Turner, Maine
Planning Board Minutes
January 16, 2019**

1 CALL TO ORDER

Called to order at 6:01 pm by R. Edward Morris. Those Members present were Mr. R. Edward Morris, Mr. Bill Bullard, Mr. Kelvin Youland, Mr. Brian Emmons, Mr. Richard Lee and Mr. Russell Pack. Those absent were Ms. Shirley Twitchell. Mr. Kurt Schaub and Mr. Mike Gotto were present.

2. VERIFICATION OF QUORUM

Mr. R. Edward Morris stated that there were 6 Board Members in attendance which constitutes a Quorum.

3. PUBLIC HEARING

Mr. Lee motioned for Mr. R. Edward Morris to be chair. Mr. R. Edward Morris did not accept the nomination. Mr. Youland motioned for Mr. Bill Bullard to be Chairman. No one opposed. (6 ayes -0 opposed)

Mr. R. Edward Morris will remain Vice Chair.

Mr. Kelvin Youland was nominated as Secretary. All were in favor. (6-0)

4. OLD BUSINESS

None

5. Consideration of New Business

None

6. Other Business

Medical Marijuana Store Front Operation

Presented by Kendall Ricker on behalf of his clients Veronica and Matt Horn

Mr. Ricker proposed and revamped a proposed ordinance.

A proposed Medical Marijuana Ordinance was presented to the board that would make the application looking to open a store front be requires to appear in front of the Select Board for approval. This is a new proposal that would divide the tasks between the Planning Board and Select Board. The Planning Board would be responsible on completing a site plan review and the re-licensing process would go in front of the Select Board much like the alcohol licensing.

Mr. Ricker stated that the two documents work together and should be looked at as a whole rather than looking at the documents separately.

Mr. Morris asked the Town Manager Mr. Kurt Schaub if there have been any other talks or proposals that have been brought to his attention yet regarding this matter.

Mr. Bullard questioned what the difference between the manufacturing process and what the growing operation would be. The difference in manufacturing is the process of extraction. The growing operation would be different.

Mr. Schaub questioned what the sections within the chart and what the boards stance would be within the zoning ordinance.

Mr. Youland questioned if the medical marijuana facility is different from a growing operation. Mr. Ricker stated that the proposal presented would help define the difference with the new state guidelines. The testing facility would be for a 3rd party test facility and Mr. Ricker is unsure how this is being implemented. This is much like the water testing that is done with public water sources.

Mr. Schaub stated that there is a section within the current ordinance for a medical marijuana facility. There is a definition that uses the word processing. Mr. Schaub stated that processing would fall in the manufacturing proposal.

Mr. Ricker stated that there is no real definition on what the processing is. The grow area would do the grinding and the packing and the manufacturing would be the extraction which would be different from just harvesting the plant. This is something that should be looked at. It is hard to really mesh the old with the new proposals without knowing what the planning board would like to see put in place.

Mr. Pack stated that the board already knows what is occurring within the operation. He believes there should be a clear definition between the growing versus the extraction. He feels that the board really should consider definitions. The board stated processing would be for cultivation and manufacturing be the distillation of the product.

Mr. Emmons questioned if the amendments would just be updated to redefine the definitions within the proposal or if this would be a new zoning of ordinances.

Mr. Gotto questioned if Mr. Ricker was intending to move into section four and the current section is 5. Mr. Gotto questioned why it is being proposed the site plan review in section 4 versus section 5. Mr. Gotto stated that the board may want to move everything into section 5 for the board to have a site plan review. Mr. Ricker stated that this maybe a better place for the review. Section 5 already has production facilities and it would make more sense to keep them all together.

Mr. Morris stated that there really hasn't been a conversation about retail stores. He is questioning if the proposal would allow for stores to be in any zone. This would exclude G1 and G2 and the resource production.

Mr. Bullard questioned why there is a proposal for an operation to be in the village area and not residential.

Mr. Morris questioned if these are allowed in the village district and if the state has regulations on distance from schools.

The board should be aware that there is a business in the village area that is operating now.

Mr. John Maloney stated that the ordinances currently do not allow retail stores in rural zones. This type of business would not be considered an at home occupation.

Mr. Schaub stated that the board can look at those zones.

Mr. John Maloney stated that the Village area would be controlled by the churches, schools, daycare, playground and parks so there would regulations already in place.

Mr. Ricker stated that the reason to look into agriculture would be because the growing would occur within the facility and it would make more sense for a storefront to be attached to the operation.

Mr. John Maloney stated that when these guidelines were set agriculture would be a grow operation but if you include retail you need to be aware of the people coming and going and what the traffic pattern would be.

Mr. Gotto stated that the board needs to be aware of what they are deciding on the charts and there will need to be clear guidelines. The board will need to decide what district will allow what. Production, retail and growing are all very different.

Ms. Horn stated that they would like to inform others on the growing operation. They would like to see their business as a destination so the public could visit and become more informed on the grow process. The state currently only allows 4 dispensaries in the State. The only reason the dispensary is on the chart is because the State has it. Mr. Schaub stated that if you include it in the chart it could be interpreted differently.

Mr. John Maloney questioned if the dispensary is eliminated if there would be a statement to make clear they are not allowed in the Town of Turner.

Mr. Schaub provided to the board a news article regarding an effort in Farmingdale to get the presently unknown caregiver operations that were licensed by DHHS but unknown to the community to be under the licensing process in the town's ordinances. There are businesses operating that own property and have personal property and they have completed significant upgrades to a property. He stated that there are a lot of businesses that are operating within the Town but are not currently paying the taxes as the other businesses are.

Mr. Morris questioned how the Town would be able to obtain this information without putting the business at risk.

Mr. Schaub stated that the town has a pretty good understanding on where these businesses are currently operating.

Mr. John Maloney stated that the issue would be a Select Board issue. This is something the Code Enforcement officer should be looking into because it would be a violation of permits.

When caregiver operations first started it was based on DHHS application and caregiver confidential information. The only ones allowed to know about the operations were local police departments.

Mr. John Maloney stated that these operations fell under the radar because they were set to be an agriculture business and the planning board did not set a limit on the amount of grow operations allowed.

Mr. Morris stated that the new proposals would make these care operations go in front of the Select Board for relicensing.

The definition section within the Select Board proposal is similar and goes over the permitting requirement. Submitting the applications and review of the applications, he currently has drafted in the proposal that the Town Manager or someone designated by the Town Manager. This would all be under Town Managers discretion. This is something that is all subject to change based on the board's wishes. This would include walkthroughs to ensure that the facility is to code and operating to code.

Mr. Schaub stated that the Board may want to require and verification process to ensure that the ventilation is working properly.

Mr. Emmons questioned on if there was any reason why they Planning Board and the Select Board documents cannot mirror each other to ensure that everything is the same.

Mr. Gotto questioned the changes to have the ordinances be meshed with the new document and the dispensary be removed from the proposal.

The grow facility is under random inspection and they are required to pay an annual licensing fee to the state.

The Board will look into the possibility of getting revisions in for the workshop while advertising the Public Hearing as a "Draft Copy" The purpose of a public hearing is to hear public hearing and the ordinance can be changed at the meeting after hearing the public comment.

Mr. Lee motioned for a Public hearing on February 20, 2019 and it was seconded by Mr. Pack. All were in favor (6 ayes)

Mr. Schaub questioned on the ordinances within the warrant. One would be a permitted ordinance and expanding the growing operations. They would be voted one in the same. If this is voted down the current ordinance would remain the same.

Wedding Barn

Applicants are Michelle Greene and Bill Davenport.

Mr. John Maloney, Land Use Planner presented a plan that incorporated what he has done in other towns and what the board had done previously with another proposed wedding barn in the town prior.

Mr. Maloney stated the he gave a definition for a that he felt would best describe. This would include a barn function would be. Mr. Gotto stated that per his conversation with Mr. Schaub that there were

some concerns around a barn attached to a farm house. There were also some concerns from the public that a wedding barn is not a true farm enterprise because it would be hard to determine what a farm would be. This would eliminate a farm and would require the proposed business to come in front of the planning board in order to be considered.

The applicant questioned if a barn would be a new structure.

Mr. Maloney stated that this proposal is based on his research based on definitions.

There is also a section within the proposal that would be based on parking to ensure there would be enough parking available. There were discussions around Food Services on if the barn would allow catering only or if kitchen would be on site.

The issue regarding Noise Pollution was also discussed. His suggestion would be to have an engineer come in to determine if the noise would be within the limits. Mr. Maloney stated that the board really needs to consider the noise. Noise has been a concern with neighbors in the past. Mr. Maloney has spent a lot of time with engineers regarding noise with the Greenwood windmills. His suggestion would be 55 DBA and 45 DBA to start at 7:00 pm - 11:00 pm. Noise is a subject that needs to be considered.

The applicant stated that they understand the reason for the noise but they have been to barns that have been converted and could see an issue with noise but they are looking to build a new structure.

State requirements would need to be met as well as review standards.

The board will also want to look at hours of operation as well as fireworks.

Mr. Gotto stated that if the Board would like to be able to make Town meeting the board will need to give direction to the applicant to be able to be reviewed at the workshop and make sure everything is ready for public hearing.

Mr. Emmons questioned if there is anything that would prevent someone from having a backyard wedding. His thought is that this type of establishment is much different from types of businesses.

Mr. Lee's concern is the parking and restrooms be ADA compliant.

Mr. Pack has a concern on the noise restriction. He is not sure he would like to mandate the public to adhere to a mandate that is already in place and have the applicant pay for an engineer to have to prove that they would not break a noise ordinance. He also has concerns with the fireworks not being allowed. There is already a noise ordinance that is in place.

Mr. Bullard questioned on if there should be a minimum lot size.

Mr. Gotto questioned how many acres the current lot is. The barn will be on 100 acres of land which is an open field with woods around the same. Mr. Gotto stated that with his previous knowledge and studies with an open field there is an issue with noise. Mr. Maloney stated that the board should not wait until plans are done.

The applicant questioned on how and engineer would know without having a building in place to know what the noise level is going to be. He isn't going to build a barn without knowing.

Mr. Morris wants to make sure that the board can present to the public if the conversation regarding noise comes into the conversations.

Mr. Maloney stated that if someone nearby has a home nearby these should be looked into.

Mr. Gotto stated that the Board needs to remember that these conversations need to be considered because this ordinance would affect more than just the proposed project.

Mr. Lee stated that there should be standards listed within the document.

Mr. Pack stated that he would like to see the ordinance at 55 decibels until 10 and 45 decibels after 10 where this is the current standards in the town. Mr. Pack would like to take no fireworks display out of the ordinance.

Mr. Lee motioned to schedule the Public Hearing for February 20, 2019 and it was seconded by Mr. Pack (6 ayes)

6. PLANNING BOARD MINUTES FROM December 19, 2018 and Work Shop Minutes from January 2, 2019.

Motion to accept the Workshop Minutes from January 19, 2018 was motioned by Mr. Lee and Seconded by Mr. Bullard (4 ayes, 2 abstained)

Motion to accept the Planning Board minutes January 2, 2019 made by Mr. Lee and Seconded by Mr. Bullard Motion carried, (4 ayes, 2 abstained)

7. REPORTS

- A. Planner Escrow
An update was given to the Board.
- B. CEO Report
There is no report at this time.
- C. Other

8. ANNOUNCEMENTS AND CORRESPONDENCE

None

9. PUBLIC COMMENTS

None

10. ADJOURNMENT

Mr. Morris made a motion for adjournment and it was seconded by Mr. Bullard, the board unanimously accepted. The meeting adjourned at 8:31 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.