

**Town of Turner, Maine  
Planning Board Minutes  
July 1, 2020**

**1 CALL TO ORDER**

Called to order at 6:01 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Mr. R. Edward Morris, Donny Hinkley, Ms. Shirley Twitchell and Mr. Richard Lee. Those Absent Kelvin Youland and Brian Emmons. Mr. Bob Folsom, Code Enforcement and John Cleveland, Town Planner were also present.

**2. VERIFICATION OF QUORUM**

Mr. Bill Bullard stated that there were 5 Board Members in attendance which constitutes a Quorum.

**3. PUBLIC HEARING:**

None

**4. OLD BUSINESS**

**Point North Development & Self Storage Final Minor Subdivision and Site Plan.**

Mr. Cleveland reviewed the information that was requested at the last meeting. Mr. Cleveland spoke with Mr. Coubron on the project and what maybe needed moving forward with the project. Mr. Cleveland stated that the Applicant does have enough road frontage on Route 4 for the project and to use the shared common driveway for the project. The Applicant will be upgrading the road to be used for the commercial use. A common driveway is permitted for 2 residential structures and believes that the Board could provide a waiver on this. It is unlikely that MDOT will give a permit for a driveway and this would stay fair and consistent. The Applicant provided an update map for the road construction to the Board that will meet all the standards short of being paved. Mr. Cleveland stated that with the review of the requested documents he finds the application complete.

The Board reviewed the updated project submittals with the updated information requested at the June 17, 2020 meeting.

The Applicant provided a list of requirements and sample contract to the Board to be given to those looking to rent the units.

There will be a conditional agreement that the driveway will be looked at prior to the building Permit being issued.

Mr. Cleveland stated that he has looked at the watersheds in the area and this project will not effect the same.

Mr. Lee motioned to find the Subdivision application and the site plan review complete and it was seconded by Mr. Morris (5 ayes, 2 absent).

Mr. Cleveland reviewed the Findings of Fact and Conclusion of Law with the Board. The project meets the financial and technical capacity for the project and has met all the requirements according to the Town's Ordinance. There are no active rivers or streams on the site or in the watershed. The property was harvested in 2016 but the owner has owned the property for more than 5 years. The Ms. Twitchell motioned to approve the Findings of Fact and Conclusion of Law for the Subdivision complete and motioned to approve the requested waivers and conditions 1-9 with other changes mentioned and it was seconded by Mr. Lee. (5 ayes, 2 absent)

Mr. Courbron questioned a few of the conditions required regarding the mylars and the vegetation requirement. He stated that a new law went into effect in December 2019 stating that Town's can not require mylars and they will be submitting paper copies. He also questioned the landscaping plan where the Applicant would like the buildings to visible and they would be cutting some trees to maintain the current landscaping plan.

Mr. Cleveland stated that the buildings do not meet the Town's Ordinances and he found a way to make the waiver work. It would be the Boards decision. Mr. Desmond Duguay stated that he has provided landscaping for the property and there are other buildings in the Town that do not meet the Town's building ordinances. The applicant would like to strike #8 in the conditions.

Ms. Twitchell stated that as long as there is a buffer she does not see an issue. Mr. Bullard stated that he does not see an issue with the setback on the project. Mr. Bullard stated that he feels the Board should state why they are allowing a building that is not allowed based on design. The Board agreed with mentioning the setback and the landscaping design as examples and will delete condition #8.

Mr. Cleveland reviewed the Findings of Fact and Conclusion of Laws for the Site Plan Review. Mr. Cleveland reviewed the Conditions on the project with the Board. The waiver request is to use a common driveway for Commercial and Residential properties. The waiver would allow to use the common driveway with the understanding that the MDOT would likely not allow for another entrance on Rt. 4. This driveway would not be a street it would be for a driveway. Mr. Morris motioned to accept the waiver for the common driveway and it was seconded by Mr. Lee (5 ayes, 2 absent). Ms. Twitchell motioned to find the Findings of Fact and Conclusion of Laws with update on landscaping design, wetlands and other corrections and it was seconded by Mr. Hinkley. (5 ayes, 2 absent)

Mr. Courbron will update his plans and send the same to the Board for signature.

## **5. New Business**

### **Blazing Jane, Medical Marijuana, Aylssa Angell**

Mr. Cleveland reviewed the project with the Planning Board. Ms. Angell is leasing the old "On the Way" Café building on Route 4. She will be providing education on the products and will be selling products in the building. Most to all the products will be prepackaged and will have some bulk flowers sent to be sorted. She will have adequate odor control on the property.

Mr. Angell stated that she has worked for a medical marijuana facility for 5 ½ years and decided to go out on her own. She has seen a lot of other stores and would like to have a safe space to come in but is gearing this facility for women. This would be for a medical marijuana retail operation only. There will be no consumption on the building. Mr. Cleveland provided a

completeness checklist for the Board and he has found the application complete. There are no schools or daycares near the facility. Ms. Angell questioned if there was an option for an interior lit message board. The peak hours for the property would be about 20 trips between 4 pm and 6 pm. The Odor control will be a carbon filter control system and it will only be in the area she is packaging bulk materials. Mr. Morris requested for a copy of the State of Maine License for Caregiver. Mr. Morris also requested for drawings to be in scale. Mr. Hinkley stated that per the Town's Ordinance lighted signs are allowed with reasonable lights. Mr. Hinkley questioned on the financing on the building and if the Board should be concerned if something happened. Ms. Angell stated the remodeling is being done out of pocket only the building in being financed. Mr. Hinkley stated his concerns on the bank loan on it being a medical marijuana facility. The Board did not see it being an issue. Ms. Angell will provide the spec sheet on the filters. The Board will plan to have a Public Hearing on July 15, 2020.

### **Great Outdoors**

Mr. Gotto requested to be put on the Agenda for tonight's meeting. Mr. Youland recently purchased the Great Outdoors and would like clarification on a few uses.

Mr. Gotto stated that Kurt and Karen Youland recently purchased The Great Outdoors on Pleasant Pond. Mr. Gotto reviewed the tax maps of the property with the Board. There are currently multiple buildings on one property. There are a couple of buildings that do not have their own separate lot but are on the same tax map.

Mr. Gotto stated that because the road was built prior to 1971 the lots are considered multiple lots. All the land was owned by Mary Seaman. Mr. Gotto stated that Mr. Youland abuts the property and purchased the same to be a buffer to his property. Mr. Gotto stated that there are 8 parcels of land and went through the land to be able to divide the lots and have them divided as such to be able to make a subdivision not occur (3 or more continuance lots). Mr. Gotto reviewed the parcels and buildings on the same.

Mr. Gotto is looking for the Board to do much like they did with the Bear Pond Public Beach. There will be some issues when it comes to Road frontage and he did the best to be able to combine them and most them to as conforming as they can. The only issue will be the setback on the properties based on the Road. Mr. Gotto stated that based on our current ordinances these could be done as non-conforming lots. Mr. Gotto stated that this would be to allow the property owners to be able to sell off 6 lots as soon as possible and will look to possibly sell a few lots later on. In order to be able to sell the lots the applicant will need to be able to have the lots as conforming.

Mr. Cleveland stated that he got this proposal late last Friday and has not had a lot of time to review the same. He stated that at this point he has not had time to review it being consistent with the Town's Ordinance. He would like to look into the issue further and find that they are recorded with the Registry of Deeds. Mr. Cleveland stated that the lot should be recorded in the Registry of Deeds. He would like to look into the Deeds and the Road clause in this. He also stated that he would like to look into the shoreland zone. He is concerned on the frontage on those parcels. His concern would be the creation on nonconform lots in the shoreland zone and look into this more clearly and what lot of recorded is. He doesn't know the conclusion at this time.

Mr. Folsom stated that he had concerns and he did not sign the project because the map has now been changed since he originally saw this plan. Mr. Folsom stated that he has reviewed the subdivision plan and that multiple lots have been made. He thought that it would be best to have Planning Board approval over the CEO Officers approval. Mr. Kendall Ricker stated that per his research on the property because there is a road in the lot of recorded there is now a debate on what can and cannot be divided. Mr. Hinkley stated that there are two buildings on the property on the parcel can it be divided. Mr. Morris questioned if there was a way for Mr. Youland to combine his lots where he is an abutter. Mr. Ricker stated that this could be looked at if the applicant will need to. At this point they applicant fell confident enough that the lots should be able to be formed. The applicant is looking to make the lots as conforming as possible. Mr. Bullard stated that the Board would like to into further at the next meeting.

Mr. Kendall Ricker, attorney for the Applicant also mentioned that the with the new owner they would like to have an affidavit that the new owners can continue to use the Great Outdoors as an event venue.

Mr. Morris questioned if Mr. Youland looked into a common beach area. He stated that he does not want to see a common beach area and would like all the buildings to have private beach access. Mr. Youland bought the property to be able to have a buffer and be able to sell some lots off.

**6. Other Business**

Approval of Planning Board 2020/2021 schedule.

**8. PUBLIC COMMENTS**

None

**9. ADJOURNMENT**

Mr. Bullard made a motion for adjournment and it was seconded by Mr. Hinkley and the Board unanimously accepted. The meeting adjourned at 8:40 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.