

Town of Turner, Maine
Planning Board Minutes
July 11, 2018

1 CALL TO ORDER

Called to order at 6:02 pm by Chairman Mr. Thomas Perkins. Those Members present were Mr. Perkins, Mr. Bill Bullard, Mr. R. Edward Morris and Mr. Russell Pack and Mr. Richard Lee. Those absent Ms. Shirley Twitchell and Mr. Kelvin Youland. Planner, Ms. Shelley Norton, and CEO, Mr. Bob Boutin, were present.

2 PUBLIC HEARING

There were no Public Hearings scheduled.

3. VERIFICATION OF QUORUM

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

4. New Business

- a. There was no workshop meeting this month due to the holiday. Ms. Norton has pulled some information regarding noise and fire work ordinances in surrounding towns. The ordinances selected were based on ones Ms. Norton felt were more clear and outlined the direction the Planning Board had requested and did not prohibit the 1st amendment.

The first Ordinance reviewed was an “Unnecessary noise ordinance” from the Town of Oakland. The Town Manager stated that they use the ordinance in such a way that the police force would respond to a complaint and would give a warning and a second visit would warrant a summons. This was put into place because the Town of Oakland had issues with a logging company and the ordinance was the only way to implement a way to respond to the disruption. The exceptions included in the ordinance did allow for snow and garbage removal, farming operations, firearms, fireworks and a few other exceptions. The Town Manager in Oakland stated the Town would be ok with the Town of Turner using the same document. They have not seen this ordinance taken to Court yet but they believe this is because no one wants to pursue a fight it in Court.

The second Ordinance reviewed was from the Town of Yarmouth. This Ordinance was a Firearms ordinance. The ordinance would limit the discharge of certain weapons. There are a few repeats in the ordinance that are discussed within the Maine state law. Ms. Norton felt that reiterating the State guidelines and have it written out would help outline the Town’s policy better. There are currently a number of Maine Towns that have a firearms ordinance have also drawn a map that helps outline the zones that restrict where fire arms maybe used.

The third ordinance reviewed was a “Fireworks Ordinance that was written for the Town of Gray. This ordinance was a simpler version and has written restrictions on fireworks. The ordinance restricts the types of fireworks that maybe used and the days they are allowed and not allowed to be used. There are also standards put into place for professional fireworks.

Ms. Norton stated that she can look for more Ordinances for review by the board if needed. The ones provided at the meeting she feels best outlined the direction the board was looking for.

Mr. Perkins stated that the reasoning for looking into an ordinance is because the Sheriffs' Department has been called and they stated that were there was no ordinance there was nothing they could do.

Mr. Pack stated that he has talked to the Sheriff's department on the current noise issue in Sandy Bottom Estate and how they respond and if the noise ordinance would do anything. The noise issue is already covered within the statute and does not feel that the Town should put in an ordinance and that the ordinance would not be enforced. He also thanked Ms. Norton for her research.

Mr. Lee thanked Ms. Norton for her work on finding sample ordinances for the board. He feels that if there are already tools put into place to enforce noise complaints but that there have been enough testimony that he feels the board should also look into some sort of ordinance to help with the ongoing complaints.

Mr. Morris is not a fan of ordinance but could be persuaded. He feels that a no trespassing sign could help the ongoing issue. He doesn't want to put another burden on the Town.

Mr. Perkins stated that currently noise complaints are not being enforced. He can tell by his own personal experience that he has had a neighbor who built a motocross track and snowmobile track in their backyard. He was told at the time that the Town of Turner did not have a noise ordinance so there was nothing the officials could do. He feels that other towns have had to adopt an ordinance to help with noise complaints and that the Town of Turner should do the same.

Mr. Bullard is concerned logging operations and farming operations would be included in the ordinance and these types of businesses often need to be out working within the suggested hours that are restricted. Mr. Perkins stated that while working on a possible ordinance farming and logging would be accepted. He also felt that maybe the board should look into meeting with the Comprehensive Planning Committee and see what they have to say while they are working on the same.

Mr. Bullard asked if the Selectman or Town manager would have influence on this issue before making an ordinance on the same. Mr. Boutin stated that the Town Manager and himself have addressed the current concerns with noise complaints and have spoken with the appropriate official and the results have shown remarkable improvements. The owner of the property in question has stated proved a written statement that no one is allowed on the property except for a few members. The Sheriff's department has responded were able to remove those trespassing on the property.

Mr. Robert Bowen, a resident of Turner stated that he lives at 37 Goose Lane. He made a call Monday, July 9, 2018 to the Androscoggin County Sheriff's Department and when the Sheriff responded to his residence his wife was told that "she must not be from Maine and how things are done here." Mr. Bowen currently has been having issues with people taking things off from his property and burning it during the night. He stated that he would be more

than welcomed to have members of the Board come to his residence and see and hear the same. Mr. Bowen does have signs on his property that say "No Trespassing."

Mr. Perkins stated that he feels the Board should look into an ordinance like the one the Town of Oakland is currently using and go through the pieces from the ordinance the board likes and does not like. The Ordinance from the Town of Oakland appears to be broad and would allow for farming and logging operations to continue were those types of businesses maybe concerned.

Mr. Morris questioned who would be in charge of enforcing the ordinance? Would the Law Enforcement be in charge or would the Code Enforcement Officer, Mr. Boutin be in charge?

Mr. Perkins stated that he would entertain a vote by the Board to either look into drafting an ordinance or to decide to not look into drafting an ordinance. His opinion feels that there has been enough testimony that maybe an ordinance should be looked into. He feels a possible noise ordinance should be looked at rather than a fireworks or firearms ordinance.

Currently the town of Turner is patrolled by the Androscoggin Sheriff's Department on the odd months and the Maine State Police on the even months. The same deputy who had previously responded to Mr. Bowen's residence did come into the Town Office and spoke with Mr. Schuab, Town Manager and Mr. Boutin, Code Enforcement Officer. The current issue has been communicated to both the Sheriff's Department and the Maine State Police. Mr. Boutin stated that he has a relative who works for the Sheriff's Department and he communicates with them on a regular basis.

Mr. Pack stated there are around 5,000 residents in the Town of Turner who trust the board to look out for their best interest. He does not feel that implementing a town ordinance because of 2 people would be in the town's best interest. Mr. Pack lives down the road from Mr. Bowen and stated he feels for the property owners. He would not support a Town ordinance at this time.

Mr. Gaumond stated there are towns all over the state, Harpswell, Auburn, Lewiston, ect that have bands. There are too many elderly people who can not move and are scared for their life. When firearms and fireworks are being discharged and hoping nothing catches on fire. Something needs to be done.

Mr. Bowen is concerned that with the snowmobile and ATV trail behind his residence where fire arms are being shot that they could be shooting in the pit and shoot someone. He is concerned for others safety.

Mr. Morris commented that he recently read an article that stated the Town of Livermore had just implemented an ordinance that stated the local Fire Department would need to inspect and issue a permit prior to the land owner being able to set off fireworks.

Mr. Pack stated again that Maine State Law already protects property owners when someone is disturbing the peace.

Mr. Bowen stated that his biggest concern is the current problem with trespassing on his property and the property adjacent to his. He does not want to see people hurt. He has trespassing issues on his property and when he has called to make complaints he has been told

by the Androscoggin Sherriff's Department that there was nothing that could be done. He wanted to make the Town of Turner aware of this problem. There have been some changes for the better but he believes more should be done. Mr. Bowen is not as concerned about the noise as he is about the trespassing on property and is concerned about the discharge of firearms and fires being made on the property. Mr. Bowen thanked the board for their time and research.

Mr. Lee and Mr. Bullard questioned on why this issue was not being brought to the Selectman. This issue first came to the Planning Board to discuss a possible noise ordinance.

Ms. Norton questioned if this issue had been brought to the Selectman yet. Mr. Boutin stated that Mr. Schaub and himself have just now been able to get information to give to Law Enforcement. The first big piece to help correct the issue was a hand-written note from the property owner stating that no one was allowed on the property except for family members.

Mr. Perkins suggested that the board look into a possible ordinance at the next workshop and would entertain a motion at the next public meeting.

Mr. Bullard is curious that if this issue is looked at by the Comprehensive Plan Board on what they feel.

Motion to table this issue for the next workshop was made by Mr. Lee and seconded by Mr. Pack. (5 members for the motion, 2 absent)

5. OLD BUSINESS

Elections

Mr. Lee nominated Mr. Thomas Perkins for President. This motion was seconded by Mr. Morris. Nomination was accepted by Mr. Perkins. . (5 members for the motion, 2 absent)

Mr. Lee motioned Mr. Edward Morris for Vice president this was second by Mr. Lee. Nomination was accepted. . (5 members for the motion, 2 absent)

Mr. Lee motioned for Mr. William Bullard to server as Secretary and was seconded by Mr. Morris. Nomination was accepted. (5 members for the motion, 2 absent)

Mr. Lee moved to closed nominations and seconded by Mr. Perkins.

There will be a Joint meeting with Selectman will take place on Thursday July 19, 2018 will be a joint meeting to discuss the AVCOG contract.

Medical Marijuana update

The Medical Marijuana Mortarium was adopted at the special Town Meeting. The Legislature did just approve a new law that will take effect in 90 days. The law is written to allow Town's to opt in. Per Ms. Norton's conversations with the Town Manager there currently are no applications to open a store front medical marijuana facility. This means that the town will not need to extend the Mortarium that was just put into place. Ms. Norton will be doing more research regarding the state laws and the growing and harvesting of manufacturing of marijuana and the new guidelines that have been adopted to help regulate the same.

PLANNING BOARD MINUTES FROM JUNE 13, 2018

Mr. Morris motioned to accept the June 13, 2018 minute as written and the motion was seconded Mr. Bullard. The Board unanimously approved the same. (5 yes, 2 absent)

6. 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.

7. ANNOUNCEMENTS AND CORRESPONDENCE

None.

8. PUBLIC COMMENTS

None.

9. ADJOURNMENT

Mr. Lee made a motion for adjournment seconded by Mr. Morris, unanimously accepted. The meeting adjourned at 7:45 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.