

**Town of Turner, Maine
Planning Board Minutes
July 15, 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, Kelvin Youland, Brian Emmons, Ms. Shirley Twitchell, Donny Hinkley and Mr. Richard Lee. John Cleveland, Town Planner were also present. Mr. Bob Folsom, Code Enforcement was absent.

2. VERIFICATION OF QUORUM

Mr. Bill Bullard stated that there were 6 Board Members in attendance which constitutes a Quorum. Mr. Hinkley joined at a later time.

3. PUBLIC HEARING:

Blazing Jane

Mr. Cleveland updated the Board on the proposed Medical Marijuana store front. The Applicant Alyssa Angell submitted the application.

Ms. Angell stated that she has her Medical Marijuana Care Giver Card and the required information needed in regards to the Carbon Filter used within the building for Odor Reduction.

4. OLD BUSINESS

Blazing Jane

Mr. Cleveland reviewed the Application and Findings of Fact and Conclusion of Law with the Board.

Mr. Cleveland stated the application was submitted on June 15 and was first discussed on July 1 with the Board. The Public Hearing took place on July 15, 2020. The establishment will be in an existing structured that was at one point a restaurant. All proper documentation was submitted to the Board and it will be on Map 66 Lot 29 and the Applicant will be leasing the building that is in Commercial Zone 2. There will be no waste other than the usual business waste and plans to improve the landscape around the building. Ms. Angell has provided a safety plan for the property with the proper security for the building. The security system will be able to keep video for up to 30 days.

Mr. Cleveland stated that he finds the Application complete according to the Town of Turner's Ordinance.

Ms. Twitchell made a motion to find the Application complete and it was Seconded by Mr. Lee (7 ayes)

Ms. Twitchell made a motion to find the Finding of Fact and Conclusion of Law with the 2 conditions and it was seconded by Mr. Morris (7 ayes)

5. New Business

The Great Outdoors, KRY Inc

Mr. Cleveland stated that this project was presented in July 1 and was tabled until today so the Board can look into the project more. Mr. Cleveland also stated that he received a memo from L. Clinton Boothby, Esq, Attorney for the Applicant on the project. Mr. Cleveland stated that he reached out to Colin Clark with Maine Shoreland Zones to ensure the project would be in compliance. Mr. Cleveland stated that Colin Clark saw that the division of lot 3 and 4 was not permitted with the Zone or State Zoning Ordinance. He based this on the fact that he did not see Naidid Lane as a Camp Driveway and not a Road. This may change if the driveway is seen as a Road. Mr. Colin did have concerns on a few of the lots and if there was legal lots within Shoreland Zone.

The Applicant is looking for an application of non-conforming lots. Mr. Cleveland stated that he wished he had more information on the project but this was given to him 2 weeks ago. He advised the Board to make sure they review the documents and make sure that the Board is following the Law. Mr. Cleveland stated that he would like to make sure Mr. Colin Clark had the Memo from L. Clinton Boothby, Esq. and have it reviewed by him and have the Attorney General review the same.

Mr. Cleveland stated that at the last meeting the Applicant made the point that the property is divided by a Road. He also stated that he hasn't done detailed research but there is a broad description on what a road is. Mr. Cleveland will send the information to Mr. Clark to review on this.

Mr. Boothby stated that he brought copies of the memo for the Board. Mr. Boothby stated that the Applicant is looking at a no action on the property with the exception of Lots 3 and 4. He stated the applicant is looking to use the property as it already exists. The cabins on the property have always been rented out. All the lots have existing structure and have their own permitted systems. All of these units have met the State and Town's standards. He stated that all of these lots have been created on Naiad lane and no lots cross the lane. Mr. Boothby stated that unless it was a farm road or logging road and if it existed prior to the Town and State Ordinances. While there is only one deed there are multiple lots on the property. Mr. Boothby stated that they are not looking for subdivision on the property they are looking to divide the lots that already exists so the Applicant can sell the property. Mr. Boothby stated that they have looked at State Statue, Case Law and Town Ordinances prior to coming to the Board. Mr. Boothby stated that there was a Case that was ruled for a division of property because the property had 2 buildings with individual septic systems for the buildings.

Mr. Gotto stated that he worked on the division of Bear Pond Park with the division of property and for lots in Back Cove Drive and the Town has done this in the past. Mr. Gotto questioned why Colin Clark at Maine DEP would have a say on this. He stated that Mr. Clark is a fact-based guy and he may not have all the information provided where he does not deal with Subdivisions. All the lots are currently over 500 ft away from the shoreland. Mr. Gotto stated that he has worked with Mr. Clark a lot of times and he will be willing to talk to him again. Mr. Gotto stated that they did the best to ensure that the lots were as conforming as possible and made sure the lots were as equal as possible.

Mr. Cleveland stated that with the Board must looked to ensure the lots were divided as evenly as possible. Mr. Cleveland stated that in the purpose of this as a subdivision would be that they do not for a more than 2 lots. Mr. Youland stated that he has a right of way on the Road because it is his only access to his property beyond any of the other properties.

Mr. Boothby questioned because of the principle structure and the individual structure. The applicant is looking to use the Road as the barrier with the divisions. Mr. Morris questioned if the idea is to have the Road become a Town Road or a Private Road. Mr. Youland stated that it is a Private Road but with the sale of the lots he cant guarantee that the new owners will not come to the Town requesting it to be a public road. Mr. Gotto stated that Mr. Youland is looking to divide the lots into 5 camp lots. There are currently year round residents on the property. Mr. Gotto stated that if the track of land was divided by a road prior to 1971. Mr. Youland stated that he would be ok with giving ore property to the new owners but he is unable because this would trigger a subdivision and would not be able to be done.

Mr. Bullard questioned if the Board needs to decide if it is a Road or not. Mr. Cleveland stated that the Board should look into making sure it is in the Public Record. Mr. Cleveland also suggested that the Board have the Town's Attorney review the documents prior to signing the Waivers to ensure they are accurate. Mr. Morris questioned if something happens with the septic if the Owner will be able to have additional land on the other side of the Road. Mr. Youland stated that those lots will have an easement to the property across the Road for the septic.

Mr. Lee stated that his concern would be if the lots sold to individuals would they be able to continue to rent out the units. Mr. Youland stated that the cabins are rentals now and are looking to make them camps rather than renting. Mr. Youland stated that the lots being proposed are larger lots compared to most lots on Bear Pond.

Mr. Boothby stated that the Great Outdoors is already considered an Event Center and the Applicant is looking to ensure those events already booked could continue. Mr. Lee questioned if someone could buy the lots and continue to rent the same. Mr. Youland stated that he purchased the property because it was next door to his property and he wanted to make sure he could have some say on the property next door.

Mr. Cleveland stated that he feels that because it is a legal document he would suggest the Board have the Town Attorney review the same prior.

Mr. Gotto stated that under the Town's Ordinance for a Subdivision that it would need to go in front of the Planning Board. The Applicant is looking for Title Insurance on the property so the Planning Board needs to review the same.

Ms. Twitchell motioned to take no action and approve the note on the plans and proposed 2 documents contingent on the approval from the Town's Attorney and it was seconded by Mr. Lee. 6 ayes, Mr. Youland abstained)

6. Other Business

None

7. PLANNING BOARD MINUTES FROM June 3, June 17 and July 1, 2020.

Ms. Twitchell made a motion to accept the June 3, 2020 minute and seconded by Mr. Bullard (6 ayes. Mr. Morris motioned to accept the June 17, 2020 minutes and it was seconded by Mr. Emmons (6 ayes) Mr. Hinkley motioned to accept the July 1, 2020 minutes and it was seconded by Mr. Morris (6 ayes.)

8. REPORTS

The Board was presented with the June 2020 building permits.

10. PUBLIC COMMENTS

none

11. ADJOURNMENT

Mr. Lee made a motion for adjournment and it was seconded by Mr. Morris and the Board unanimously accepted. The meeting adjourned at 7:30 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.