

**Town of Turner, Maine  
Planning Board Minutes  
May 13, 2020  
Virtual Meeting via Zoom**

**1 CALL TO ORDER**

Called to order at 6:05 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Mr. Brian Emmons, Mr. Kelvin Youland, Mr. Donny Hinkley, Ms. Shirley Twitchell and Mr. Richard Lee. Those Absent, Mr. R. Edward Morris. Mr. Bob Folsom, Code Enforcement and John Cleveland, Town Planner were also present.

**2. VERIFICATION OF QUORUM**

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

**3. PUBLIC HEARING:**

**High Tide Edibles**

Mr. Cleveland reviewed the application that was submitted by Ms. Susan Thone. He stated that its has gone through the review process and was scheduled for Public Hearing in March but that meeting had to be postponed due to the State mandate. This business is a wholesale medical marijuana establishment and they have a commercial kitchen in located on Tidswell Rd. The building has gone through site plan review when the building was it was built. The current owner of the building is Peter Angell and Ms. Thone is renting the space. The business is licensed by the State as a kitchen but must get approval from the Town due to the Ordinance.

Mr. Bullard stated that that there have been no comments submitted to the Town at this time.

**Borrego Solar, Solar Farm on Ricker Hill Rd, CES, Inc.**

This project will be located right off from Ricker Hill Road on Town Farm Road. The Company plans to produce .99 Mega Watts of Electricity that will be distributed to the grid. There will be about 17,408 solar panels installed on the property that will be installed on a screw auger type system and there will be additional equipment on the property that will be used to monitor the site. There will be 8 foot fences placed around the project to ensure that no one will be able to trespass onto the project.

Mr. Lee questioned if there had been any agreement made with the Town on how the road will be maintained. Mr. Cleveland stated that he is unsure if the Town has made an arrangement at this time.

Mr. Bullard stated that that there have been no comments submitted to the Town at this time.

**Borrego Solar, Solar Farm on Sandy Knoll Road, CES, Inc.**

Mr. Cleveland stated that the project was submitted as Beal's Pond, LLC and that the property is behind the Irish Snowmobile building. This project is much like the project off from Ricker Hill Road. The project will be accessed by the current driveway and there will be a road built in addition to the current road to extend to the back lot.

Mr. Albrecht with Borrego questioned if they should present the plan to the Board. Mr. Cleveland stated that the Board has received the plan and has reviewed the same. Mr. Albrecht with Borrego also questioned if any members of the public had any questions.

Mr. Emmons questioned on if any part of the lease was subject to producing a certain amount of electricity. The Applicant stated that the lease is based on an acreage amount and is not the amount of electricity produced. Obviously, there are circumstances i.e. a natural disaster that may be looked at it later on. Mr. Cleveland stated that the terms of the lease does have a decommissioning bond that would be used at that point.

Mr. Emmons stated that his concern would be that in the event of the project not working that the solar panels wouldn't be just built and left and the Town would be responsible for the project at that point.

Mr. Cleveland stated that he will look into the Lease.

Mr. Bullard stated that that there have been no comments submitted to the Town at this time.

### **Ordinance Changes**

Mr. Cleveland reviewed the Ordinance with the Subdivision. He stated that the ordinance required 2 Mylars be submitted to the Town. This was due to the Town needing one and the Registry of Deeds needing one. Where the Registry of Deeds no longer needs one there would be no need for the applicant to submit two.

Another change in the Ordinance would be in regards to the street construction. The change would bring the Town's street construction Ordinance to the same standard the State of Maine Transportation is requiring.

Another change suggested is for the Zoning Ordinance and would move a definition in Section 4 Performance Standards Section A backlots. This ordinance discusses what is permitted regarding back lots. The current language states the Private Right of Way verse a Public Right of way. There was a misunderstanding regarding access to Mobile Home Parks and would help clarify the definition and the standards.

Another change to the Ordinance is in regards to the Subdivision the submission of Mylars and will only require 1 be submitted rather than two where again the Registry of Deeds no longer requires a Mylar.

Mr. Bullard stated that that there have been no comments submitted to the Town at this time.

## **4. OLD BUSINESS**

### **High Tide Edibles**

Mr. Cleveland stated that he has presented the Findings of Fact and Conclusion of Law to the Board for review. The Town Planner met with the Applicants in February and it was submitted February 8 and they met with the Board in March. A Public Hearing could not happen and was postponed until today. The Board must act on this project. He reviewed the Findings of Fact with the Board and stated that applicant does have a Medical Marijuana License with the State and is not within 500 feet from a school or daycare and that they are in a Commercial II zone. There is no storage of Marijuana on the facility

where they are a commercial kitchen that processes the product only. They have paid all the appropriate fees and have the proper security system installed as well as the appropriate electrical units installed.

Ms. Twitchell motioned to find application complete and it was seconded by Mr. Lee. (6 ayes)

Ms. Twitchell motioned to approve the Findings of Fact and Conclusion of Law with changes and it was seconded by Mr. Lee (6 ayes).

Mr. Cleveland will make the changes and will submit the same to the Code Enforcement officer for signature by the Chair.

### **Borrego Solar, Solar Farm on Ricker Hill Rd, CES, Inc.**

Mr. Cleveland reviewed the application with the Board. The Application was submitted in January and was reviewed in February and again in March. The Board has reviewed the application previously and was scheduled for a Public Hearing but that meeting was postponed. Mr. Cleveland reviewed the checklist with the Board.

Mr. Emmons stated that he has talked with contractors that have installed solar panels in the past. He stated that there should be consideration on what the run off impact will be.

Mr. Cleveland stated that the applicant has submitted in their plan in detail what the best management practice would be for run off.

Mr. Cleveland stated that because the Applicant may sell the project there is a condition that has been put in that in the event the project is sold, the new owner must come to the Board for approval. There is no wetland impact and there is no archeological or historical sight on the property. The property will have no light impact and the location is in a remote location and will have no traffic impact and will have a wooded buffer. There is a decommissioning bond on the project that will be presented to the Owner.

Mr. Bullard questioned how the Board can move forward with the road access where the Town is responsible for Summer Maintenance and the Land Owner is responsible for Winter Maintenance.

Mr. Cleveland reviewed some options with the Board that could look into to resolve the Road Maintenance. Mr. Swansburg stated that he agrees with Mr. Bullard and Mr. Cleveland that it should go to the Board of Selectman where they will need to have access to the facility year round and that they can access to property.

Mr. Bullard stated that he would like to see the condition be put into place in order to move forward with the project.

Mr. Cleveland stated that the Board can put in a condition that the if the project is approved the Town should maintain the Road.

Mr. Theis stated that he would hate to see the project not approved on an issue of winter maintenance.

Mr. Cleveland stated the applicant can put into the lease that if the Land Owner and the Town can not come to a winter road maintenance that the Land Owner will take full responsibility.

Mr. Swanburg state that they would hate to see the project not move forward because the Town and the Land Owner can not come to an agreement when they applicant would be able to maintenance the road.

Ms. Twitchell motioned to find the Application complete and it was seconded by Mr. Lee (6 ayes)

Ms. Twitchell motioned to find the Findings of Fact and Conclusion of Law complete with changes regarding the maintenance of the Town Farm Road and was seconded by Mr. Lees (6 ayes)

### **Borrogo Solar, Solar Farm on Sandy Knoll Road, CES, Inc.**

Mr. Cleveland stated that the Board had briefly reviewed the project in March. The property is owned by Mr. Gard Twitchell. This project is much like the Ricker Hill Project that was previously submitted. The project will be in Rural I Zone. The property is in a large area but the Applicant will be leasing 20 acres. The project will be off from Route 4 and will be accessed by a driveway. There will be no signs for this project. All wetlands have been designated on the map where the property is larger than the leased land.

Mr. Cleveland questioned the easement with the access through the Irish Property and the applicant will submit additional information to the Board in regards to the easement.

Mr. Cleveland stated that he has requested information from Mr. Albrecht regarding the property and how he proposes to move forward with the clearing and filling of the land where there is contour on the land. Mr. Albrecht stated that they can provide a final grade plan on what they would need to do to the property or they can show on the submitted plan on the areas that will be cut or graded to help answer those questions.

Mr. Cleveland stated that both the approaches would be useful to the Board to use as a condition.

Mr. Albrecht stated that they can provide what they plan to clean and fill and the final grades for the Board.

Mr. Cleveland requested the applicant submit an interconnect to the CMP lines to the Board.

Mr. Cleveland stated that if the Applicant submits the required information to the Board that the Board could move forward to approving the project if it has been found complete.

Mr. Bullard questioned where this is a time sensitive project and due to the State of Maine mandate to cancel meetings. The Board agrees with this and will into what will need to be done and the Board will plan to meet on May 27<sup>th</sup>.

### **Ordinance Changes**

Mr. Emmons motioned to accept the Ordinances as drafted and it was seconded by Ms. Twitchell (6 ayes)

## **5. New Business**

### **Kolby Youland Lot , Minor Subdivision, Mike Gotto, Sandy Brook Consultants**

Mr. Cleveland stated that the applicant is looking to have a lot subdivided. The Town of Turner Ordinance states that in order for the lot to be further subdivided there must be Town approval.

Mr. Mike Gotto spoke on behalf of the property owner. Mr. Kelvin Youland and Ms. Dawn Youland purchased 42 acres. in 2017 they conveyed a portion of the land to their Son Kyle Youland and they are now looking to convey another portion to their son Kolby. In order to divide the lot a 3<sup>rd</sup> time they must have Planning Board approval where this would fall into a subdivision.

Mr. Cleveland reviewed the checklist with the Board. The Board will plan to schedule this project for Public Hearing on May 27, 2020. The Board will plan to go see the property on their own to become familiar themselves. Mr. Gotto stated that they are looking forward to getting this project to approved and if the Board can approve this at the next meeting if there are no issues at the next meeting it would help.

### **CSG, LLC Solar Project – Chris Byers, Boyle Associates**

Mr. Cleveland stated that this project will be off Route 4 on property owned by Mr. Randy Murray behind Irish Motor Sports in the sand pit. Mr. Byers presented his plan to the Board. Mr. Nick Walsh with Dimension Renewable Energy and is the Developer on the project also helped with the presentation. Dimension Renewable Energy is located in Atlanta and has regional offices in New York and San Francisco.

Mr. Dale Knapp with CSG, LLC and explained how the power from the project will be distributed in Maine. He reviewed the incentive that was passed in the State of Maine to have renewable energy that will stay in Maine.

Mr. Knapp provided information and plans for the project and where the location will be located. The applicant stated that they have filed for a Storm Water Permit by Rule. The applicant also reviewed how they plan to install the panels. They plan to install with a post and racking installation with will have Pile driven into the ground rather than concrete footer. This is down to help the vegetation and low impact. The applicant also reviewed how the racking for the panels will be installed. The applicant plans to have low impact Ag Style fence that will be 7 ft tall around the project. This is both safe security and will be appealing the eye. The applicant also reviewed that they will have a Decommission Bond to ensure the property will be clean at the lease.

Mr. Cleveland drafted and provided a checklist for the Board to review to ensure that all the steps are taken.

Mr. Cleveland questioned if there was a response from the Maine Archeological Department yet. There has not been one submitted by the Applicant but they will send one to the State.

Mr. Cleveland questioned where the land is on Route 4 and if a driveway application has been submitted. Mr. Bryers stated that there is already an access point and that will be used. Where there is an access point already the Land Owner, Randy Murray, will provide the same to the Board.

Mr. Bullard questioned where this property will be on Route 4 if the Board will need to take aesthetics into consideration. Mr. Cleveland stated that he will look into the same for the Board.

The Applicant stated that because of the current location and the surrounding area the Solar Panels will not be a focal point and will be visible but with the Ag Style fence it won't be a distraction.

Mr. Emmons stated that he would like to note that the method of installation for this project should come into installation and should be the way all the projects should be done. He does not think there is a visual aspect that should be considered. There is a gravel pit now and solar panels are not going to take away from the property.

Mr. Cleveland and Ms. Twitchell feel that the Board doing a site walk would not be a bad thing. It would help give a better idea on what it would look like.

Mr. Emmons stated that he will be unable to get back into Town for a site walk but is ok with the project. He encouraged the Board to look at the way the panels are being installed and that the property will not be disturbed versus other projects.

Mr. Bullard stated that he isn't against this project but there have been issues in the past with the south end of the Town and he wants to ensure that no one is treated differently.

Mr. Lee stated that he is glad to Mr. Bullard mentioned that because people often drive down Route 4 and maybe distracted.

The Board will plan a site walk Tuesday May 26, 2020 at 6:00 pm

## **6. Other Business**

None

## **10. PUBLIC COMMENTS**

## **11. ADJOURNMENT**

Mr. Lee made a motion for adjournment and it was seconded by Mr. Youland and the Board unanimously accepted. The meeting adjourned at 8:54 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.