

**Town of Turner, Maine**  
**Planning Board Minutes**  
**June 13, 2018**

**1 CALL TO ORDER**

Called to order at 7:03 pm by Chairman Mr. Thomas Perkins. Those Members present were Mr. Perkins, Ms. Shirley Twitchell, Mr. Bill Bullard, Mr. R. Edward Morris, Mr. Kelvin Youland, and Mr. Russell Pack and Mr. Richard Lee. Planner, Ms. Shelley Norton, and CEO, Mr. Bob Boutin, were present.

The Workshop will be cancelled due to the July forth holiday next month.

**2 PUBLIC HEARING**

There are no Public Hearings scheduled.

**3. VERIFICATION OF QUORUM**

Mr. Perkins stated that there were 7 Board Members in attendance which constitutes a Quorum.

**4. Other Business**

- a. The new ordinances for the Town of Turner were passed at the last Town meeting. There will be a schedule change.  
Meetings are currently held on the 1<sup>st</sup> and 2<sup>nd</sup> Wednesday of the month. The new schedule will allow for the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday. This would allow for better processing of applications. The new schedule will start in August and will be the 1<sup>st</sup> of August and the 15th of August. This change will be posted on the Website and the Facebook page.
- b. Kurt Schaub, Town manager addressed the board. A marijuana grow operator in the Town of Turner contacted the Town Office and wanted to open a store front operation in the Town of Turner. The way they function is you can walk in the door and see a medical professional to see if you can qualify to be able to use medical marijuana that would allow you into another door in the facility where you would be able to purchase the marijuana. After hearing the proposal Mr. Schaub contacted DHHS because it seemed to be very similar to a dispensary. After more research it appeared that it would be a problem. Mr. Schaub has taken a moratorium which the Town of Hallowell has drafted and tweaked it for Turner's use. He is suggesting the Planning Board recommend this moratorium because the town has not had a chance to discuss retail marijuana sales and this business would function in a very similar way. There is a special Town meeting on June 28, 2018 to discuss a gift of property to the Town from the natural History Museum. This proposed moratorium could be voted on at the same Special Town meeting. There is a moratorium already put into place against recreational marijuana operations, but it does not affect medical marijuana operations. The Town will need to discuss what action they would like to put into place. There is no retail sale but because of the wording within the law there are some gray areas regarding the medical marijuana sales. If enacted, the moratorium would be good for 180 days and the selectman would need to continue the moratorium. The legislature may act on this but it is uncertain if and when it would be done.

Mr. Pack questioned what the state law is and what the Towns ordinance is in regards to Medical marijuana.

The current state law does not have a restriction on where and when people can the product. There are loop holes that are being used that increase the number of patients a caregiver can provide with marijuana. The Town of Turner adopted an ordinance in April 2017 to help restrict retail sales but that is not good for medical marijuana. There was a case a month ago where a grow operation had an incident that CMP disconnected their power. The grow facility would need the code enforcement officer to come in to give an ok for CMP to be able to reconnect. The Town did not have anything on file for the electricity on the property so they were unable to give information. The town contacted DHHS in regards to a caregiver application and were told "We can't tell you that information."

Mr. Pack questioned if anyone has come through the board to get the ok to open a facility.

There was an individual that came to the Code Enforcement Officer to open a store front and he was told he would need to come to the board to discuss the same. The individual decided to just stick to growing.

Mr. Perkins replied that a lot of these decisions comes from the State of Maine and need to be adjusted to the Town of Turner's best interest. The board does not know the industry or the business. It is hard for the board to decide what is in the best interest of the Town without knowing what the has State decided, the legislature is working on adjusting the law now.

Mr. Boutin noted that there is no way to identify how many facilities are operating in Turner. Some of the buildings being used may not have the proper wiring and may be a cause for fires. The Town has only been able to find out where the grow houses are based on the electric permit. The grow houses are a liability for the town.

Mr. Morris worries that the 180 days the moratorium lasts, the need to revisit could be on a holiday. He believes that the Town should ban it until the State decides what to do. Mr. Schaub stated that the Town and Ms. Norton have a calendar and can put a reminder in multiple records to make sure that the deadline is not missed. Based on the research that proposed ordinance would help close that gap.

Mr. Schaub stated a moratorium ordinance does not require a public hearing. It is suggested to take place onto the Special Town meeting agenda.

Ms. Twitchell motioned to move into new business and it was seconded by Mr. Lee.

Motion made by Ms. Twitchell and seconded by Mr. Lee to recommend the ordinance as written be added to the Special Town meeting on June 27, 2018. Was voted unanimously except that Mr. Pack abstained due to new appointment to the committee and unfamiliar with the topic

##### **5. Ordinance to prohibit Fireworks and explosions.**

Mr. Gaumont has collected over 100 signatures and gave them to the Code enforcement officer, Mr. Boutin regarding explosions and fireworks. Fireworks and guns are being shot late at night and in a dry area. Residents in the Sandy Bottom Estates are concerned about fireworks and explosions. There have been issues regarding tannerite in the area and the discharge of firearms. They would like to see no fireworks except on holidays. Mr. Bullard questioned if the owners were contacted. The owners were contacted and were going to put no trespassing signs up. Mr. Morris questioned why they neighbors do not ask the owners to put up signs and that the Sheriff's Department be notified and the individuals should contact the Police Department.

Mr. Perkins stated that there are a lot of people in the Town of Turner who own guns and have purchased land to be able to shoot on their property and would like to be able to do the same and do it safely. Mr. Perkins suggests that a Town ordinance against shooting on Town owners land would have a lot of owners come into a town meeting and that it may not go anywhere. With this said the board may want to consider a noise ordinance and to get the public input on the same. There are 100 signatures but the board would be better served to have a public hearing. Mr. Morris is concerned with the amount of seasonal owners on the ponds that know the State has legalized fireworks. Ms. Twitchell stated that she does not feel that an ordinance would fix the issue because if the individuals are trespassing than the issue would not be fixed. Mr. Pack suggests that neighbors normally talk to neighbors and find a resolution. This is a trespassing issue. Would making an ordinance really help fix the issue or would this be a civil matter.

There are individuals coming from out of town as far as Windham to shoot in the pit located at This & That Auto.

Mr. Perkins requested Ms. Norton to pull examples of a noise and firework ordinance.

Mr. Perkins has done some research and has presented in front of other towns. In this he has seen Ordinance Committees formed where they work with the Town Planner. He is unsure if maybe the Board should have a committee that addresses the same. Mr. Morris, Mr. Lee, Ms. Twitchell feels that maybe the board should wait another year because this year was an unusual year regarding ordinances.

Mr. Bullard suggests that the Planning Board move their meeting time to 6:00 pm. The Board approved this change. The Board will implement this change starting on July 11, 2018.

**6. Development Review Status of Big Bear Lane.**

Mr. Harlow addressed the board. The walls have been approved as well as the fence on the walls. Mr. Harlow has paid the balance in regards to the project. There is a question regarding a doubling of the bond and in the findings of fact. The selectman asked that the Bond would be doubled in regards to the completion of the project. The project is done so nothing would need to be done. The Code Enforcement Officer was happy with the project. Mr. Harlow started the project when Mr. Williams was the Code Enforcement Officer. Mr. Harlow has a private job and has paved the first 300 feet. Mr. Harlow questioned if he would be able to build on the lot. Mr. Perkins state Mr. Harlow would need to follow the process for a new project to be able to build on the lot.

**7. PLANNING BOARD MINUTES FROM May 9, 2018 AND WORKSHOP MINUTES FROM May 2, 2018.**

Mr. Morris Motioned to accept the May Second Workshop minutes to be accept as written seconded by Mr. Bullard. Mr. Peck, Ms. Twitchell and Mr. Lee abstained. Making the vote 4-0-3  
Mr. Bullard motioned to accept the minutes second by Mr. Lee. Ms. Twitchell and Mr. Pack abstained. Making the vote 5-0-2

**8. OLD BUSINESS**

**9. OTHER**

In July some members on the board will need to be sworn in. Mr. Perkins will get ahold of Becky, Town Clerk to see who will need to be sworn in and elections will need to be held for president, vice president and secretary at this time.

**10. 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.

**11. ANNOUNCEMENTS AND CORRESPONDENCE**

None.

**12. PUBLIC COMMENTS**

None.

**13. ADJOURNMENT**

Mr. Lee made a motion for adjournment, unanimously accepted. The meeting adjourned at 8:40 pm.

Respectfully submitted by,

Megan L. Ricker  
Secretary