

**Town of Turner, Maine
Planning Board Minutes
September 18, 2019**

1 CALL TO ORDER

Called to order at 6:00 pm by Mr. Bill Bullard, Chairman. Those Members present were Mr. R. Edward Morris, Ms. Shirley Twitchell, Mr. Bill Bullard, Mr. Kelvin Youland and Mr. Richard Lee. Those Absent, Mr. Russell Pack and Mr. 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:

Hillview Estates:

Mr. Mike Gotto spoke on behalf of the expansion of lot. Mr. John Maloney questioned on what the size of the individual lots in the mobile home park would be and would there would be individual septic systems for the lots. Mr. Gotto stated that they will plan to cluster the lots as they are currently designed in the current Mobile Home Park. He stated there will be one septic system to go into those septic disposal systems. Mr. Maloney stated that he believes the project should be postponed until the Board sees how the systems will go and how they will be designed where it does not fall into the ordinance and the State approval. Mr. Maloney also stated that the Board should see where the dry hydrants will be and where those will be located prior before approval of the project. Mr. Gotto and Mr. Kurt Youland stated that they did talk to the Fire Chief in the last expansion and that they are waiting for coordination with them at this time.

Mr. Kurt Youland stated that their park is licensed with the State and that they have been inspected in the past. The park does have Public Water Supply. Mr. Cleveland stated that he did get information on the capacity of water coming from the well and that it does provide enough water for the park and the expansion.

Mr. Jim Talbot stated that when he sold the property to Mr. Youland that he had written within the Deed that he would have access to his property to two residential lots. Mr. Gotto stated that they have provided descriptions for the access but they are unable to do the same until the plan is approved. Mr. Bullard questioned on if there should be a Condition of Approval for the two back lots. Mr. Youland stated that he wanted the road to continue under the Acorn Drive but due to 911 rules they had to change the road names and has no problem to change road names in the deed if need be. Mr. Maloney stated that he wants to make sure that other property owners are protected and to make sure Mr. Talbot is able to have access to his back lot per the Deed. He wanted to make sure the Board also was aware of and follow the back-lot ordinances. Mr. Gotto stated that there is currently a 40 ft right of way throughout the park and that there is no way a 60 ft right of way could be available because that is not how the right of way is drawn throughout the park. Mr. Gotto stated this should be a private issue between the two parties and not an issue with the Board. Mr. Talbot stated that he does not disagree with Mr. Gotto's statement but the intent was to be able to receive 2 residential lots in the deal and that he felt that they were there and would be provided with 2 residential lots. Mr. Peter Gilbert question on if there would be able to be 2 accesses to the lots instead of the one ordinance. Mr. Cleveland stated that it is good this issue is raised now verses later and that the

parties should discuss on how this will be done. Mr. Gotto said that while he agrees with Mr. Cleveland but this is a subdivision plan and that they can not move forward on access without approving the plan. Mr. Bullard questioned if the Board could put in a condition to allow for a non-conforming lot in the back. Mr. Gotto stated that he would be willing to meet with the Planner and the CEO officer to discuss a solution to these issues and would be able to help with the conforming lots. There is no way to grant a 60 ft right of way on a 40 ft road. Ms. Twitchell said the Board can work towards and approval with some exceptions. Mr. Gotto will meet with Mr. Cleveland to discuss how to fix this issue.

Mr. Steve Rogers stated that he is concerned on how the access to his property would be obtained. Ms. Twitchell questioned on how they are currently accessing their property. They are currently accessing the Wood Lot on Conant Road.

Mr. Gotto, Mr. Cleveland, Mr. Youland and Mr. Talbot will discuss these issues and how to fix the same.

Cannarx, Medical Marijuana Storefront:

Mr. Larry Marzilli is looking to open a Store front on Route 4 in Auburn. Mr. Colby Gilbert questioned if the applicant was currently an Operating Store front in Windham and how they are able to open a second Store Front. There are supposed to be no collectives allowed in the State of Maine per the Law voted in. He stated that there is a Law that states you can not open 2 Store Fronts.

Mr. Maloney questioned where the business would be opened up, this business will be opened up in the Old Turner Vet Building.

Mr. Blanchard stated that he has property near the building and his daughter owns Blanchard Fuel next to this building. He does not like the smell from marijuana and his drivers are tested for it in their system. The intersection is a bad one and the traffic on that road will be unsafe. He stated that he does not believe there should be a Store Front near him. Ms. Blanchard stated that there were not suppose to be 2 like businesses to be operating. There are currently 2 applications that have been presented.

There was a conversation on how the Board would address the issue of how they would address the other parts of the building.

The applicant stated that he will not be growing only selling so there would not be a smell. The finish product does not have a smell.

Curate Cannibis, Medical Marijuana Storefront:

Mr. Blanchard stated that he has property near the building and his daughter owns Blanchard Fuel next to this building. He does not like the smell from marijuana and his drivers are tested for it in their system. The intersection is a bad one and the traffic on that road will be unsafe. He stated that he does not believe there should be a Store Front near him. Ms. Blanchard stated that there were not supposed to be 2 like businesses to be operating. There are currently 2 applications that have been presented.

CWorX, Medical Marijuana Storefront:

Mr. Maloney stated that he remembered there being a discussion on the distance from the Applicant and a Daycare nearby. Mr. Maloney stated that would consider if the Daycare permit was issued in error and what the impact would be for the Daycare. Ms. Twitchell questioned on if the Daycare was within the 500 ft radius. Mr. Youland stated that the Daycare in question is currently not open. Mr. Morris stated that it is still on the DHHS Website.

4. OLD BUSINESS

Hillview Estates Mobile Home Park

Mr. Cleveland stated that he recommended the Board review the Street application and handed out an updated check list and reviewed the same with the Board. Mr. Cleveland stated that the Planning Board will need to take in consideration who would be building the park and what their experiences are and it was stated that the contractor is Mr. Kurt Youland and there is a brief description provided for the Board within the Applicants application.

Mr. Lee motioned to accept the Road Checklist complete and it was seconded by Mr. Morris. All were in agreement (5 ayes)

Mr. Gotto stated that there is a full survey on the property but not a plan because it was approved for the first part and that the Final Plan would be needed. There will need to be proof of payment to the Town for the permit as well as evidence of notification to the Town's Fire Department, School Administration, Town Rescue and other appropriate departments within the Town per Mr. Cleveland.

Mr. Cleveland stated that there is no concern with this development and that the Board may need to move forward with a conversation with the Maine DOT to make that area a safer section in Turner in Turner where there has been a lot of development in the area. Mr. Morris questioned on if the applicant can make sure that this does not affect recreational activity.

Mr. Cleveland made a recommendation that subject to further discussion on the needed materials from the State Agencies that the Board can approve and if something does come up that Mr. Gotto would need to come back to the Board. The issues that were brought to the Board regarding the issue of Septic Systems and the home manufacturing.

Ms. Twitchell makes a motion to grant a request for waiver on # 3 and it was seconded by Mr. Lee. (4 ayes and 1 abstained due to relationship to the applicant.)

Ms. Twitchell made a motion to find the question complete and it was seconded by Mr. Lee (4 ayes and 1 abstained due to relationship to the applicant.)

Mr. Cleveland and Mr. Gotto will review the road access to the back lots on the property.

5. New Business

Cannarx, Medical Marijuana, Storefront

Mr. Bullard questioned how the Board would address two like businesses being next to each other. Mr. Cleveland stated that in the Vet location the road would have been designed to handle traffic for the business and that he does not see that the issue of these businesses would generate traffic. The applicant stated that there would be 16 parking spaces.

Mr. Cleveland stated that the International Traffic for a like business would be for a medical office building would be 36 trips per day. Mr. Blanchard questioned if there was a reading for a Drug Store or Pharmacy but there currently is no data for this type of business. There was a conversation on how the rest of the building is being used. Mr. Cleveland stated that this has gone through a site plan review in the past. The information that was previously voted on for the location was based on the use of a Vet building. The Board needs to look at this building and if it is now more or less than the current use.

Mr. Bullard questioned on if the Board should do a site walk of the building so that they can be more familiarized with the building. Ms. Twitchell believes that the Board will need to look further into this plan and that the Board will need to review the same. Mr. Lee stated that a lot of these could be worked out at a Workshop.

Mr. Bullard stated that the Board should table this topic and do a site work before the Board approves the same. The Board scheduled a site walk for October 2 at 5:00 pm. Mr. Cleveland does not need to be present for the site walk. The Board will invite the Owner of the building to also go through the Site walk.

Mr. Lee motioned to table to application and it was seconded by Ms. Twitchell. (5 ayes)

Curate Cannabis, Medical Marijuana Storefront

Mr. Bullard questioned if the Board would like to do a site walk on the property.

Mr. Villani stated that he owns the property and he does not see traffic as an issue. There are only 4 employees.

Mr. Morris questioned on if the Board would also be reviewing the filters on the property where this is also a grow house.

Ms. Twitchell stated that she requested the applicant provide the information on the filters where he will need to come in front of the Board and provide the same to the Board in April when they come in for a permit. She thanked the applicant for providing the information for the Board. Ms. Twitchell stated that because the Board is moving forward. She wanted to make the Applicant aware of these requirements.

Mr. Cleveland stated that he agrees with Ms. Twitchell and that the Board should have a conversation with the Board of Selectman. Mr. Bullard questioned if the Board should have a conversation with the Selectman first or if they should proceed. Mr. Cleveland stated that the

Board should move forward with the application as a Medical Storefront for the retail and address the grow operation at a later time. The Board will have a sight walk at 5:30 pm for October 2.

Mr. Bullard motioned to table the project until a site walk has been done and it was seconded by Mr. Kelvin Youland. (5 ayes)

Mr. Villani questioned why a site walk would be necessary because he was very clear on his employees and tenants and the parking. Mr. Lee stated that the applicant has done a nice job with his information.

Ms. Twitchell questioned if the drawing provided was done to scaled and on where the other buildings are located on the property. Mr. Cleveland stated that he did meet with the applicant prior to submittal. He will be meeting with the CEO office and applicant so that application submitted are complete. Mr. Folsom stated that the Board should address the odor aspect at a different time and should only be on the retail side. Mr. Bullard stated that the Board was not talking about the odor control at this time but it should be a topic of conversation. Mr. Morris questioned on how the Board should address the issue while there has been public testimony given at this time. Ms. Twitchell stated that she is taking into consideration for the property owners. Mr. Cleveland stated that Board has not taken the discussion of the odor to make sure everyone is treated fairly. Mr. Lee stated that the Board is bringing awareness to the applicant and will be reviewing the storefront first and look at the parking and traffic portion. Mr. Cleveland stated that the Board is all on the same page on the odor from the operation and the retail at this time. Mr. Bullard stated that the Board wants to make sure that there is no safety issues that may arise. Mr. Villani stated that this process has been difficult and the Board is dragging on the application. Mr. Cleveland stated that the Board has a responsibility to take public comment and take those into consideration.

CWorx, Medical Marijuana Storefront

Mr. Cleveland stated that the Board did ask the company to provide the information on the Carbon filters. They did provide the same.

Mr. Cleveland stated that there is a licensed daycare within 500 ft of the operating facility. Mr. Morris stated that he personally called the businesses and she is no longer in business. Mr. Cleveland stated that the applicant may want to have a conversation with the daycare owner on relinquishing their license. There is still a State license on file and the Board needs to make sure that they are abiding by the written ordinance. Mr. Cleveland recommended the applicant have a conversation with the current Daycare owner.

Mr. Colby Gilbert stated that he would like the Board to review their ordinance within the Town. Mr. Gilbert believes that he was licensed caregiver within the State. He believes that by State definition he was already in operation. Mr. Cleveland stated that with his conversation with the Town Manager and others that are operating medical marijuana facilities and that some Towns in the State were allowing Storefronts to operate. The Town of Turner has opted to have permits given out for yearly. During the first application from the applicant they put in referral to Maine Caregiver. Mr. Gilbert stated that if these were concerns at the time they should have been asked at the time. He stated that he was told by the Selectman to go by the State guidelines. Mr. Cleveland stated that he does hear what the applicant is saying but the Town took the information

provided differently. The Town at the time of the previous application could not grant permission for a Storefront. The Town of Turner just voted for applications for a Storefronts. Mr. Cleveland stated that now that the Town has adopted in for an ordinance the Town can grant the authority. Mr. Cleveland thanked Mr. Gilbert for coming in for this process. The only problem at this time would be the daycare within the 500 ft radius and to have a conversation with the daycare provider to relinquish their license and come back to the Board once a letter has been provided. There was a conversation on the applicant could have a surveyor come look at the property.

Mr. Bullard made a motion to table the application until the next Public Hearing and seconded by Kelvin Youland. (5 ayes)

6. Other Business

None

7. PLANNING BOARD MINUTES FROM June 19, 2019.

To be discussed at the next meeting.

8. REPORTS

To be discussed at the next meeting.

9. ANNOUNCEMENTS AND CORRESPONDENCE

None

10. PUBLIC COMMENTS

11. ADJOURNMENT

Mr. Morris made a motion for adjournment and it was seconded by Mr. Lee and the Board unanimously accepted. The meeting adjourned at 9:20 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.