

Town of Turner, Maine
Planning Board Minutes
December 18, 2024

1 **CALL TO ORDER**

Called to order at 6:00 pm by Mr. Bill Bullard, Chairman. Those Members present were, Mr. Bill Bullard, Eben Shaw, Scott Abbotts, Kelvin Youland, and Brent Fanjoy. Those Absent Edward Morris and Shirley Twitchell.

2. **VERIFICATION OF QUORUM**

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

3. **Approval of Planning Board Minutes October 16, 2024.**

Mr. Eben Fanjoy made a motion to approve the minutes for October 16, 2024 and it was seconded by Mr. Youland (4 ayes, 1 abstained).

4. **PUBLIC HEARING:**

Hillview Estates Subdivision Expansion, You Land Convenience, LLC

Mr. Gotto gave a review of the project to the Board. This is an expansion of an existing mobile home Park. There was an expansion in 2019 and they are looking to add an additional 38 lots. He reviewed the storm water run off plan.

Mr. Rogers spoke in regards of the project in regards to the Leavitt Family Tree farm. They have a 100-acre lot that abuts the property. For 61 years the Leavitt family has had access to the Airport road which has been discontinued. He mentioned that the County over stepped by taking actions and that the Court has not ruled on the same for the alternative actions. There are 3 parties that are abutters on this property. There are step grades and soil conditions that affect their area that there are erosion controls because of this it would be hard to be able to remove the trees from the property from a safer option for trees. They have always been able to work out with other owners through the airport to be able to have the trees harvested and removed from the property. His concern is that if they are not able to get access to the property they will have to pay the penalty for not harvesting or having to take acres out of the tree growth. He feels that by allowing them to continue to access to the land will allow them to continue to access Route 4. He feels that there are a lot of issues between the County, State and Town governments have interacted.

Mr. Bullard questioned if the problem was a legal issue outside of Planning Board scope of work. Mr. Smith stated that the Planning Board needs to make Finding from emergency access to the site and preserving the access to the Land. Mr. Smith stated that the plan is showing that there was access to the land and that this access was discontinued in 1963 and that the Board is going to need to make a decision on the subdivision itself and the existing rights across the property and that it is a Land issue between the Land Owners.

Nezinscot River Solar, Solar proposal, Map 046 Lot 12B, Fly Catcher, LLC

A representative from Fly catcher spoke in regards in a proposed Solar Farm off from the Weston Road. He stated that this project will be enclosed by tree lines and away from abutters. There will be an access road off from Weston Road and it will be behind the Ricker Hill Commercial Site.

Mr. Shawn Roy Questioned how far the Road will go in and he stated that it will be about 600 ft into the site. The entrance will go into an existing road access.

Colin stated that they are waiting to submit to DEP but have an interconnection agreement for the site.

5. New Business

None

6. Old Business

Hillview Estates Subdivision Expansion, You Land Convenience, LLC

Mr. Bullard went back to a question from the public hearing on the question of the access to the Leavitt property. Mr. Smith stated that while the road is discontinued there is a record in the deed that allows access to the property. There was an agreement to be able to have access. Mr. Gotto reviewed the question with the Board. He went through the history and stated that when they bought the property from the previous owner, they reserved the right to access the road to the property. Mr. Gotto stated that they have shared the right of way they are proposing no new homes in the right of way and there is a wood road there and that they have connected a right of way to be able to continue access to the property. They are not denying any ability to access the property and will if anything improving the road near the gravel road. Mr. Gotto stated that they knew there were some rights of maybe not right but they decided to have the note on the plan and continue to allow access.

Mr. Youland stated that there is access but once you get to the end of his property there is nowhere to go once, they get there. Kurt stated that he does not own the property that abuts the same now.

Mr. Gotto stated that the easier access would be through the runway. He stated that this needs to be discussed with other people because Kurt Youland does not own that property now. Mr. Gotto stated that they have provide access to the road on their end but they cant say what will happen later on.

Mr. Bullard asked Dave if that answered the question from public hearing. He is concerned that they have lost the right of way to the property because once they get to the end of Kurt's property there is nowhere to go. Mr. Youland stated that while they have kept the access to the property for them there is no where to go because it drops off on that site. Kurt sold his property to another owners and that is the better access to the property.

Mr. Gotto stated that with the airport being built he feels that is when the access was likely when access was cut off.

Mr. Fanjoy stated that from his point of view Mr. Youland is continuing access to the property.

It was questioned again if they could bring in a log truck and be able to access the road and there will not be a rock wall that would prohibit them to be able to access the property.

Dave asked Kurt Youland on how hard it would be to be able to access the property if they get ahold of the other property owner to access the road. Mr. Youland stated that they will be able to access the property but hopefully the other property owner will be ok with allowing the access too.

Mr. Schaub stated that if this is approved and accepted this would be recorded in the Registry of Deeds as an additional layer.

Mr. Abbotts made a motion to find the checklist complete and it was seconded by Mr. Shaw.

Mr. Smith gave the review of the project for an expansion of 38 lots onto Acorn Drive from an existing mobile home park. He stated that there will be electric added to service the areas and there will be a common water supply. There will be septic put into the plan with a centralized waste water treatment and will have 2 lots on a single field with test pits but the exact placement will be done at the time of building where they will not know where those sites will be.

Mr. Gotto questioned some of the comments on the Findings of Fact and Conclusion of Law on changes he would like to clarify and some typos he found on the plan.

Mr. Shaw made a motion to approve the Findings of Fact and Conclusion of Law as amended at the meeting with the condition that the applicant provide the DEP Permit and it was seconded by Mr. Fanjoy. (4 ayes and 1 abstained)

Nezinscot River Solar, Solar proposal, Map 046 Lot 12B, Fly Catcher, LLC

Mr. Smith reviewed the project with Board. This is for a 1.4 megawatt solar. This will be an 11 acre development.

Mr. Bullard questioned if they have the DEP approval yet. The applicant stated that they are waiting on the decommission from the State and will have a Permit by Rule from DEP because it is not affecting any wetlands.

Mr. Bullard questioned on where it is on 2 tax maps on how that would affect the property. The applicant stated that they are trying to have the project under one owner and one tax map for this property.

Mr. Smith questioned on if the leased area would change with the move of the property. The Applicant stated that because the lot changed hands about 5 years ago they did not have the change in the ownership so they could avoid the subdivision. Mr. Smith stated that what is submitted tonight is adequate and that a simple movement in the lot line shouldn't change anything.

Mr. Bullard stated that they could have a requirement to have the applicant come back if the project is approved.

Mr. Schaub stated that the plan will be shared with the accessors and it would be adjusted accordingly and the Applicant stated that they are happy to do the same when the change happens.

Mr. Youland made a motion to find the Checklist complete and it was seconded by the Mr. Abbotts. (5 ayes)

The Applicant stated that there were some typos in the checklist and Findings of Fact with the correct project name and owner.

Mr. Smith reviewed the Findings of Fact and Conclusion of Law. This project will be off from Weston Road. There will be a buffer area that is not visible from any roadways and they will only be clearing for project itself.

The project will need to change to Nezinscot River, LLC for the Owner.

Mr. Shaw made a motion to Approve the Finding of Fact and Conclusion of Law as revised and it was seconded by Mr. Youland. (5 ayes)

Turner Meadow Solar Station LLC, Tax Map 21 Lot 7 and Tax Map 27 Lot 6, Request for a two-year extension of the Site Plan Review.

Mr. Abbotts made a motion to grant the 2-year extension and it was second by Mr. Shaw. (4 ayes and 1 abstained)

7. Other Business

Mr. Nadeau spoke to the Board in regards to look at the Towns Ordinance with allowing delivery of Recreational Cannabis. The State now allows it and he would like the Board to look at it to put in front of the Town of Turner to allow delivery. Mr. Nadeau questioned on if he wanted to delivery outside of the Town of Turner and not necessary in the Town of Turner and to be able to allow for the delivery in the Town. He stated that there is delivery in the Town of Turner already.

Mr. Schaub stated that the Ordinance currently allows for the wholesale portion of delivery. The change in Ordinance would be for store front. Mr. Nadeau stated that there are a lot of guidelines from the State on how to deliver in the Town. Mr. Bullard stated that he feels the Board should follow the State Language in the ordinance to be able to meet the State Standards. Mr. Smith's only concern is how the Town would govern the same? If the State already allows for it they should govern it and the wording for the town could just duplicate the wording. Mr. Fanjoy stated that its likely the CEO Officer isn't enforcing it as it is.

A Public Hearing may need to happen before the Town meeting to be able to look at how to change the Ordinance.

8. REPORTS

None

9. PUBLIC COMMENTS

The Board will meet on January 15th, 2025 instead of a workshop on the 1st.

10. ADJOURNMENT

Mr. Bullard made a motion for adjournment and it was seconded by Mr. Youland the Board unanimously accepted. The meeting adjourned at 7:45 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.