

Town of Turner, Maine
Planning Board Minutes
May 15, 2024

1 **CALL TO ORDER**

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

2. **VERIFICATION OF QUORUM**

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

3. **Approval of Planning Board Minutes January 17, 2024 and March 20, 2024**

Mr. Abbotts made a motion to approve the minutes for January 17, 2024 and it was seconded by Mr. Shaw (5 ayes, 1 abstained). Mr. Shaw made a motion to approve the minutes for March 20, 2024 and it was seconded by Mr. Morris (3 ayes, 3 abstained)

4. **PUBLIC HEARING:**

Proposed Marijuana Grow, 57 Lower Street, Shun Zong Zhao

Mr. Smith reviewed the application with the Board. This is a project for 57 lower street and it is a home that is now being used as a home and a medical marijuana grow. This is in front of the Board today because of the Town's Ordinance.

The Applicant's representative, Tammi Snow, Esq. spoke in regards to the propose marijuana grow. The Applicant's representative stated that 500 sq of plant in flower and 1000 sq feet of plants not in flower. He will be using a couple rooms in his house and his garage for growing.

A property abutter owner near the home and questioned if the Applicant lives in the house or not. Ms. Snow stated that he is living in the home now. He also questioned the Board how it is approved to be able to be a grow facility. Mr. Bullard went through the Ordinance steps that would need to be done to be approved and licensed in the Town.

He stated he has concerns with the current issues with the Chinese grows in the State and that there could be issues and he is also concerned with possible water issues where grows tend to use a significant amount of water. He wants to know what information that can be gathered and

Ms. Kayla Scott questioned if the Public can stay for the entire agenda to see what the Board decides on this issue. Mr. Bullard stated that this meeting is open for the Public to attend.

Mr. Schaub stated that one of the parts that occurs with licensing is that the Applicant will need to come back every year to renew their license so it will need to come back to the Town. Ms. Snow stated that the Stated all inspects the properties,

Craig Poland stated that he owns a daycare near the grow and questioned what the ventilation would be. He also questioned how many people would work for him? Ms. Snow stated that its possible that only himself or 1 person would be working for him. He also questioned what the ventilation would be on the

building because right now there is some snow coming from the area. He also questioned if the Applicant was a legal resident or not.

Mr. Schaub stated that he was contacted about the property from the State and it was looked into and that the Applicant was growing but when he was inspected, he stated that he was going to come compliant with the State and the Town.

Mr. Craig Poland stated that the Applicant is only here because he was caught and is now becoming compliant.

Mr. Schaub stated that some of the Public attending the meeting have looked at the Application and urged the Public to also look at the Ordinance that was passed by the Town. This would give them a better understanding on how the Board and the Selectman look at Application.

Mr. Poland stated that there is another service on the Garage and the House and that the Applicant was doing something illegal and is now trying to be legal.

A member of the public questioned if the Town could request CMP logs on houses.

Mr. Morris stated that the Applicant will need to have a log on when the filter was last changed and if there is a complaint.

John Marcous stated that he begs to differ that the Town can get CMP logs and that is how some of the grows have been busted.

It was questioned the tiers for what this grow is. Ms. Snow stated that the tiers program is for Recreational Grow and the Applicant will be growing for medical purposes.

Mr. Marcous also questioned the security on the site and if the resident would need to be live there and if he does not what safety and security plans will be.

A member of the public questioned what would be done with the noise for the fans for the property and how that would be taken care of.

Ms. Snow stated that the Applicant uses mini splits for the property.

A town member questioned how the Board would feel about this grow house being so close to a daycare.

Mr. Bullard went through the Ordinance and the steps that are taken through-out the process.

A question was made on the licensing and if those meetings with the Selectman were published. Mr. Schaub stated that the meeting is publicized and the public can attend.

Mr. Talbot stated that he is looking for transparency. He does not know this gentleman's name. He questioned how the Board will communicate to the Applicant if he does not speak English.

The Attorney stated that she speaks for the Applicant and she will communicate for him.

An abutter stated that he would like to have conversation with the lighting because he will see it all the time and what the lighting would be?

Mr. Bullard stated that lighting and ventilation have been a big concern and will be discussed later on tonight.

A member questioned who will be buying from this grower? Ms. Snow stated that the Applicant will need to fill out a trip ticket every time something is sold. He is allowed to sell to medical marijuana to those with a card or to a store that sells the medical marijuana. The Applicant's representative spoke in regards to the what the intention of the grower is. The Applicant's representative stated that the Applicant will be selling wholesale and will not be having a store at the location.

Ms. Scott questioned where the zoning Ordinance was for the grow operations. She had a hard time finding the Ordinance. She stated that she thinks the Board should take their time to where there are a lot of issues within the ordinance.

She also stated that she saw the checklist and there were a lot of missing parts but she was concerned about the abutter list. She was also concerned about the amount of traffic that will be coming and going from the property. She also questioned on what the hours are going to be for the grow.

The Applicant's stated that the manual will have the hours of operations.

She questioned on if the Board approves the project what are the steps for the licensing.

Shelia Richardson questioned if the Applicant has another facility in another Town or State?

Ms. Snow stated that he does not have another license for the State but she is not sure about another State?

Ms. Richardson questioned how the waste would be taken care of and how the ventilation would be handles because she has had issues in the past when she drives by some.

Mr. Bullard stated that she should contact the Town Office and that would mean the Town would investigate the same for the smell. The waste disposal was also discussed per the Town Ordinance.

Mr. Bullard stated that he is an abutter and will be abstaining from any votes.

Mr. Smith stated that there are standards in the Ordinance that will need to be followed.

A member of the Public also questioned what would happen to the property values in the area and has concerns?

Another member questioned if the owner wanted to build some more property. She was concerned how the business would spread. She is also concerned on why there have been no penalties for the Property owner if he has been already growing? She also questioned what the CEO Officer does inspections and if they can just do a check anytime they want. There would need to be an appointment.

Ms. Snow stated the State of Maine does just show up for checks.

Ms. Scott questioned if the Applicant was a licensed caregiver. The Applicant's representative stated that he licensed with the State.

Ms. Scott also questioned the table tells you what you can and can't do because the chart says either No or PB. The PB part would mean the Planning Board would have some say. She encouraged the Board to think before they act on the Application.

A member also questioned if an Operating Manual was made and questioned if it was available to the public.

Mr. Bullard stated that the entire Application is available 7 days before the Public Hearing. He then went into the next steps that would happen for the project.

A Member questioned who does the background check and what type of questions are asked? The background check done through the State and is a Criminal Background Check.

A member questioned if the Town can do anything about the Odor? Mr. Smith stated that the Ordinance states "0 odor at the property line"

Mr. Schaub stated that the Town does go out if there is an issue with the odor.

Mr. Colby Gilbert stated that he is looking at the property and this is in a double wide trailer so this would be a mobile home so how could it be licensed if it is a double wide trailer that could be moved.

5. New Business

Proposed Marijuana Grow, 57 Lower Street, Shun Zong Zhao

Mr. Smith discussed what the Board typically does in this phase. The Board has had a lot of feedback and has discussed and heard a lot about the property. The Board will be looking at the site list and the Medical Marijuana checklist as well.

Mr. Smith reviewed the Site Plan with the Board. The Application was submitted in March. There were some questions at the Workshop and it was requested for the sketch plan of the property and the boundaries of the property. Mr. Smith stated that this site plan was not done by a surveyor.

Mr. Smith stated that the lighting plan will need to be looked at on this checklist.

There are a number of N/A items and the Board can look at the same if they would like to look at the same the can but there are no buildings proposed for the site. There will also be no new wells drilled or electrical being installed onto the property.

Mr. Fanjoy questioned if the Board should look into the lighting aspect. The Applicant has submitted everything but it may not meet the requirements.

Ms. Twitchell made a motion to find the site plan checklist complete and it was seconded by Mr. Abbotts (5 ayes, 1 abstained)

Mr. Smith reviewed the Medical Marijuana Checklist with the Board.

There were questions regarding the lighting for the property and the Applicant has provided additional lighting information.

There was also a conversation on the amount of traffic that will be on the property and it was originally none but now it will be 1-2 cars a day.

The hours of operations has been mentioned and has 2 different times and will need to be looked at.

The amount of Cannabis that will be grown meets the States Standards. There will be 5 grow rooms in total and they will have 3 in the house and 2 in the garage and the ventilation for the grow rooms have also been provided.

Mr. Smith stated that his business did find the Application complete but if the Board has an questions or issues now would be the time to discuss the same.

Mr. Morris questioned the Hours of Operation where there were different hours given. Mr. Smith stated the Applicant will need to decide what the Hours are and those will need to be updated.

Mr. Bullard questioned the traffic count where the Planner stated N/A but the Applicant stated 1-2 cars a day.

Mr. Smith stated that this facility is not a store

Mr. Shaw questioned the Marijuana Grow Application. The Application stated the amount being grown in the Facility and if the amount given to be grown is the State max or if another grower could move in with him and they could be able to grow an additional amount more.

Mr. Smith stated that this Application is for just this Applicant. While its possible for more plants to be grown this Application.

Mr. Bullard questioned on the location where it is a home how can the State inspect? Would they need a Warrant to enter the Home? Ms. Snow stated that they can go into the home to inspect.

Ms. Twitchell questioned if there is a grow operation going on now or not? This is in front of the Board because the State inspected the property and it was inspected but the State and there are no plants being grown at this time.

Mr. Morris questioned if the electrical is in code so that the entire place does not catch on fire? A master electrician would need to be contacted to hook up the property.

Ms. Twitchell also questioned the amount of Parking spaces at 11 spots and questioned how that number was found? Ms. Snow stated that the car amount was based on the Real Estate listing and that was the number given.

There was a discussion on if there would be any customers on the site and the Applicant stated that there would be no traffic but one document states there will be. Mr. Bullard stated that he would like to see the checklist also stated no customers.

Mr. Morris stated that he printed a light request from a past approved project and that the Town requires a Full Cut off light and there should be a photo metric plan as well that would give a site specific plan on where the lights would be.

Mr. Abbotts questioned the fans and the decibel level of the fans. There was also a question on what the current ventilation is in the building? Ms. Snow stated that there is no ventilation in the building now and the Applicant is buying this new fan ventilation to meet the Town Standards.

Mr. Shaw questioned the engineer certification for the fans and ventilation. There was also a conversation on if the engineer could also give the decibel could be done on the fans as well? The Applicant will get this information.

Mr. Morris questioned the concerns over the water usage for the proposed grow. Where there were a lot of conversations on the water usage. Ms. Snow stated that while she is unsure what the Applicant will do but they typically reuse and recycle the water.

Mr. Abbotts stated that he has a hard time telling people how much water they can use it would be like him telling a farm you can use that much water for your cows. He doesn't see how you can regulate it. As long as a septic system is far enough from the property.

Mr. Schaub read through the Ordinance and the State can require an aquifer test and that the Applicant will not disrupt the current water supply.

Mr. Bullard stated that there was an issue with the housing and he does not see the fact that it is a double wide would mean it would be movable.

Mr. Bullard also questioned the size of the grow and if it was limited to the set area? Mr. Smith stated that the plan must stay to the size that was indicated in the plan.

Mr. Smith gave an overview of the Board requests from tonight's meeting.

Mr. Abbotts questioned if the zoning chart allows for the Planning Board to make a decision to not allow for the grow to not be allowed in this area. Could the Planning Board say "No"?

Mr. Smith stated that the PB in the chart states that the Applicant will need to come to the Board for a Site Plan Review.

The Board all requested for updated Medical Marijuana Ordinance for the Binder.

Mr. Morris questioned what would happen if the property sells? Would the Town get notice of the sale?

Mr. Schaub stated that if the property sold, they Town would be notified.

Ms. Twitchell stated that she feels that this will be a longer process where the Attorney is the only one here. She stated that she will go to the client and discuss the issues and get the additional information.

Mr. Morris stated there was a question on the parking and if that would be looked at as well.

Mr. Smith stated that the Board looked at 2 different checklist and there are some overlap between the two. He also reviewed the additional requests from the Board. He also stated that the Application should not be found complete. The Workshop will be on June 5th as long as the information has been received in enough time prior.

A Motion was made to extend the meeting past 9 pm was made by Mr. Shaw and it was seconded by Mr. Abbotts (6 ayes)

6. Old Business

Point's North Solar, Gerard Thibeaut, 722 Auburn Road

The Applicant stated that there was no Vernal Pools impacted and they would like to start building now without having the road built. They are still waiting on the Army Corp to give a permit.

Mr. Schaub discussed what could be done for the Applicant to get moving on building now vs having to wait for the permit. The permit can not be given until the Road is built.

Mr. Smith stated that while it may not be a big deal the Board may want to consider amending the Conditions but the Board did make a Motion at that time and that is what was voted. If the Board wanted to change the condition they should make a motion to do the same.

Mr. Shaw questioned if there was a chance Army Corp could issue it tomorrow or in a month.

Mr. Morris stated that the road being built to specs was to ensure the road is not being destroyed.

The Applicant stated that they are all ready to go except for building the Road.

Mr. Morris made a motion to amend article 4 on the plan so that they can start building and it was seconded by Mr. Fanjoy (1 aye, 5 nah)

Mr. Shaw made a motion to amend # 7 on the Plan to require training prior to CMP hook-up (6 ayes)

7. Other Business

Mr. Schaub reviewed the Planning Board Budget with the Board for this year and into next year.

8. REPORTS

None

9. PUBLIC COMMENTS

None

10. **ADJOURNMENT**

Mr. Morris made a motion for adjournment and it was seconded by Mr. Shaw the Board unanimously accepted. The meeting adjourned at 9:18 pm.

Respectfully submitted by, Megan L. Ricker, Secretary.